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The Solicitors' Journal

VOL. LXXVII. **Saturday, December 16, 1933.** No. 50

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Current Topics.

Public Recognition of Lawyers.

DURING the past week two distinguished lawyers received recognition of the esteem in which they are held by their professional brethren and by the wider public. First, there was the dinner at which Lord MERRIVALE was entertained at Lincoln's Inn, a function which nearly all the judges and a very large section of the Bar attended to pay fitting tribute to the high esteem in which the late head of the Probate, Divorce and Admiralty Division is held by his former colleagues both of the Bar and of the Bench. Not many have been the recipients of the like honour and recognition of their judicial work, but in Lord MERRIVALE'S case this was eminently deserved. The onerous duties which fell to him were carried out with an entire absence of parade or with any desire to court public applause, and his opinions have always commanded profound respect. His latest public utterance deprecating the merger of the Division in which he sat into the others is entitled to the greatest respect and doubtless will be so received by those who are considering at the moment the reconstruction of our tribunals. The second instance of the public recognition of occupants of the judicial Bench is the appointment of Lord MACMILLAN as Rede lecturer at Cambridge for 1934, this following immediately upon his being made a Trustee of the British Museum, a post, purely honorary, but which has often been coveted for the stamp of distinction which it confers upon the holder. Lord HOUGHTON tried for long to get co-opted, and it was only after years of struggle that he attained the dignity he desiderated. It may not be an equally high distinction to be chosen as Rede lecturer at Cambridge, but it may be recalled that when in 1858 the endowment, out of which the lectureship has been founded, was re-organised, it was directed that a lecture should be delivered annually in term time "by a man of eminence in science or literature to be appointed by the Vice-Chancellor." Many noted lecturers have been appointed in the past, and in the new nominee Cambridge will find one worthy to follow in their steps.

Disinheritance.

THE Powers of Disinheritance Bill, which has been introduced in the House of Commons by Sir J. WARDLAW MILNE, raises once again a question which has exercised the public mind for many years past, and which is by no means free from difficulties. The Bill proposes that if a surviving spouse or any surviving child of a testator is without adequate provision for his or her proper maintenance, education or advancement in life, the court may at its discretion, on application by or on behalf of such spouse or child, order that such provision as the court thinks fit shall be made out of the net estate of such testator for the maintenance, education or advancement of such spouse or child. Where the net estate of a testator does not exceed £2,000 in value, the proceedings are to be assigned to the jurisdiction of the county court. Only those lawyers whose practice brings them into touch constantly with family affairs can appreciate the complexities and difficulties likely to arise in revising the deliberate testamentary dispositions of a deceased person. Everybody will agree that from time to time scandalous instances of cruelty and vindictiveness are apparent in the wills of persons deceased; but one trouble is that the person accused of this malicious cruelty is no longer here to answer the accusation. It might well be that in any such case a sufficient answer would be forthcoming were the testator available to explain the whole of the facts which had led him to make the seemingly inhuman will. On the other hand, there are numerous cases in which elderly testators have been "got hold of" (to use a popular phrase) by scheming friends and relatives, and have been inspired to deprive those nearest to them of the provision to which they had been led to look forward perhaps over a long period of years. As we understand the measure introduced by Sir JOHN WARDLAW MILNE, it does not seek to interfere in any way with the ordinary practice of the courts in dealing with allegations of "undue influence." It simply aims at the bare fact of a spouse or a child being left unprovided for or inadequately provided for, and gives opportunity to the court, upon proof of such circumstances, to adjust matters subject to the right to refuse to do so in any case where good reason for exclusion may be shown. We hope to deal with the proposals in greater detail at some future date.

The Unemployment Bill.

THE Unemployment Bill pursues its way through the various stages in the House of Commons, with large majorities supporting the Government whenever a division is called. None the less there is grave apprehension in the country generally as to the wisdom of the financial provisions of the Bill; and organised opposition on the part of local authorities seems to be growing. One of the latest complaints comes from Glasgow, whence strenuous opposition is threatened, on the ground that the city is being treated unfairly; it is said that for a period of five years Glasgow will be called upon to provide an annual contribution of £442,000—ten times as much as Birmingham will have to provide over the same period—though Birmingham contains the larger population. It has to be borne in mind, however, that Glasgow and Birmingham are very differently constituted as regards their trades. Birmingham is the heart and centre of the manufacturing industries of the Midlands and is comparatively prosperous at the present time—largely as a result of the new tariff system. Glasgow, on the other hand, is suffering

greatly from the shipping standstill, and there is force in the suggestion that it should be given special treatment as a distressed area. What view the House of Lords will take on the Bill generally remains to be seen; but it is of interest to question whether under the Parliament Act it is open to the Lords to amend the financial provisions of the Bill at all.

Licensing Statistics.

An eminently satisfactory state of affairs is disclosed by the recently published figures for 1932 relating to the consumption in England and Wales of intoxicating liquor. (Cmd. 4457.) In 1932 only 30,146 convictions for drunkenness were recorded, a total decrease of 12,197 on the figure for 1931, this being the lowest level attained since 1918, when the total number was 29,075. The highest rate of decrease was in the four Northern counties, while the lowest (17.8 per cent.) was in Glamorgan and Monmouthshire. A slight decrease in the trifling number of convictions recorded as being due to drinking methylated spirits is also shown. The number of on-licences in force on 1st January, 1932, in England and Wales, was 76,886, a decrease of 449, the total decrease in on-licences since 1905 now being 22,592. There was also a decrease of twenty in the number of off-licences. The total increase in the number of registered clubs since 1905 is 7,788, the number in existence on 1st January, 1932, being 14,377, an increase of 430 over the previous year. The tremendous decrease in drunkenness as demonstrated by these figures may be due in part to the changed habits of the people. They certainly do not disclose any need for drastic reform of the licensing laws.

British-born Wives of Aliens.

On 17th November, 1933, the British Nationality and Status of Aliens Act, 1933, received the Royal Assent. The Act is in effect a one section statute, substituting a new provision for s. 10 of the British Nationality and Status of Aliens Act, 1914. The rule is re-enacted that the wife of a British subject is deemed a British subject and the wife of an alien to be an alien, but it is now subject to certain qualifications. The first is that where a woman who at the time of her marriage was a British subject has married an alien she still remains a British subject, unless by reason of her marriage she acquired the nationality of her husband. A similar rule applies where a man has during the continuance of his marriage ceased to be a British subject, except that where the wife also acquires a new nationality by reason of her husband's acquisition she may at any time within twelve months from the date on which she so acquired that nationality or in special circumstances within any later time allowed by the Secretary of State, make a declaration that she desires to remain a British subject, upon which she is deemed to remain British. On the other hand, the wife of an alien who obtains a certificate of naturalisation may only become British herself from 1st January, 1934, onwards, by making a declaration to that effect, within twelve months from the date of the certificate or such longer time as is allowed by the Secretary of State. The British-born wife of an alien whose country is at war with His Majesty may still obtain a certificate of naturalisation as a British subject on making a declaration of her desire to resume British nationality, as she could under s. 10 of the principal Act. The Act takes effect from 17th November, except with regard to the one provision mentioned above, and is retrospective with regard to British-born wives who are to remain British in spite of having married aliens. The passing of the Act thus brings to an end a serious injustice surviving from the days when the husband and wife were one person in law and the husband was that one.

Probate Copies.

The new practice with regard to issuing duplicate sealed grants of probate and letters of administration which is to be adopted at the beginning of next year will be welcomed by the profession, as both convenient and sensible. The only wonder is that the new system as stated in the memorandum issued from the Lord Chancellor's Office and published in this issue under the heading "Practice Notes" has not been adopted before. Where a testator or intestate has investments in numerous limited companies, it has often been found that there is much inconvenience resulting from the delay caused by having to send the probate round for registration. Not only is time lost, but the probate is not in the solicitor's office for use for other purposes, entailing the inconvenience which every solicitor must have experienced from time to time. It will now be possible to obtain as many photostat copies of the grant as may be required for the small fee of 1s. each. These copies will bear the small seal of the court and will be evidence of the grant in all parts of the United Kingdom, and will be sufficient evidence to a limited company, notwithstanding any provisions in its articles of association. A solicitor acting for personal representatives will be able to despatch to all the companies in which the testator or intestate held stock or shares evidence of the grant on the same day, and that without being obliged to part with the probate itself. The cost of obtaining the requisite number of sealed copies and forwarding them to the companies concerned will, of course, be chargeable against the estate. We do not understand, however, that such copies could be used for endorsements required to be made by s. 36 (5) of the Administration of Estates Act, 1925, for which purpose it appears, the probate must still be used. There is one respect in which the new system might be improved. It seems that application can only be made for the sealed copies after the grant has been sealed and by production of the probates at the Copies Department, so as to identify the grant without reference to the calendars. There will, therefore, be some delay, after the grant has been sealed, before the copies are available. No doubt the delay will be of short duration, but we should have thought that it might have been avoided, or at any rate reduced, by allowing a request for the sealed copies to be made at the time of the application for the grant. We believe that the photographic method of making copies of wills has not been popular with the profession, and photostat copies, especially when reduced in the process, are often difficult to read and by no means so convenient as the typed copies to which we have become accustomed. We have, however, to thank the new process for this latest improvement in the system, and, in that respect at least, should be grateful for it, especially as it has been adopted in a department not conspicuous for a leaning towards innovations.

More Danger to St. Paul's.

The nation at large will receive somewhat of a shock on learning that despite the recent expenditure upon Sir Christopher Wren's great cathedral there is still danger of subsidence so real as to call for special measures for its protection. The report of the engineers commissioned by the Dean and Chapter to investigate the foundations is serious enough in all conscience, revealing as it does the existence of a deep underground lake of water on the north side which must not be disturbed. The suggestion is made that the cathedral authorities (or an impartial technical authority specially established for the purpose) should be given control over a defined area with sufficient powers of approval and supervision over all underground works. This would seem to be essential if permanent security is to be ensured. It would necessitate the passing of a special Act of Parliament laying down the areas of supervision; and it is of interest to observe that Newgate Prison and the Central Telegraph Office come within one of the areas prescribed. Altogether it would seem as though the district crowned by St. Paul's Cathedral is likely to be a source of considerable public anxiety for a long time to come; and incidentally what is forecasted in the report now published would seem likely to provide a good deal of work for lawyers as well as for engineers.

Public-houses and Clearance Schemes.

[CONTRIBUTED.]

THIS subject, which was dealt with in the issue of 25th November, p. 824, is of such importance that it deserves further consideration. It is not to be supposed from the heading of the previous article, or this one, that the objection to the law as it stands and as construed by the Ministry of Health applies only to public-houses. It is true that the hardship may be greater in the case of public-houses by reason of the fact that the licences held in respect of them add, very often largely, to their value, but except for this consideration the hardship affects all classes of property alike. The main objection to the law as construed by the Ministry is that (hard though it is to credit it) a house is to be treated as unfit and therefore to be demolished without compensation, even though it is actually quite fit, merely because its neighbours are unfit. This extraordinary proposition, which it is submitted is not supported by the words of the section, was however approved of by Mr. Justice Swift in the case of *Re Williams*, which apparently is not reported except in the *Estates Gazette* for 22nd April, 1933, p. 596. According to that report his lordship said: "The mere fact that a house was in itself fit for human habitation was not sufficient to protect it from inclusion in a clearance order if it happened to be in a slum area which the local authority rightly desired to clear." Those who believe their rights are still protected by Magna Carta will be surprised to find that, with the approval of one of His Majesty's Judges, their property may be demolished without compensation, not through any fault of their own, but through the fault of their neighbours. It is submitted, however, that the judgment of Mr. Justice Swift cannot be supported by the terms of the section, namely, s. 1 of the Housing Act, 1930, the material parts of which are as follows:—

> "Where a Local Authority . . . are satisfied as respects any area in their district—
>
> "(i) that the dwelling-houses in that area are by reason of disrepair or sanitary defects unfit for human habitation, or are by reason of their bad arrangement, or the narrowness or bad arrangement of the streets, dangerous or injurious to the health of the inhabitants of the area, and that the other buildings, if any, in the area are for a like reason dangerous or injurious to the health of the said inhabitants . . . the Authority shall cause that area to be defined on a map *in such manner as to exclude from the area any building which is not unfit for human habitation or dangerous or injurious to health.*"

The last words, providing for the exclusion of houses which are fit, are surplusage unless the section means that, having included in the area all houses which are unfit owing to their condition or the condition of their neighbours, the authority should then exclude those which are themselves fit. If this is not the meaning of the section, the law should be amended, as it is contrary to the elements of justice that a man's property should be demolished without compensation, unless it is itself unfit.

It is perhaps too late to question the principle of non-payment for demolition of slum property, although it seems an illogical way of penalising the owner of such property. If Parliament intended to make it an offence to allow property to become insanitary, penalties should have been enacted to that end. It was not the right way to penalise that offence by a provision that the property should be demolished without payment, because (*a*) there is no likelihood of the amount which the owner loses bearing any relation to the extent of his default, and (*b*) the penalty will only affect those persons whose slum property happens to be in a scheme under the Housing Acts. The principle, however, of demolition without compensation having been accepted by Parliament, it is not likely that it will be reversed. This being so, it becomes even more important that an owner of property alleged to be unfit should have an opportunity of defending the accusation. At present this question is decided by the Minister of Health, from whose decision there is no appeal so long as he complies with the procedure laid down by the Act. It is true that his decision is preceded by a public enquiry. The defect of such proceedings, however, where the inspector who hears the evidence reports privately to the Minister, who may or may not accept his decision, has been sufficiently commented on by Lord Hewart in his work on "The New Despotism."

The desirability of altering the law on one or all of these matters has been fully admitted by successive Ministers of Health, but the necessary legislation has not been passed. Parliament having been otherwise engaged.

Estate Agent and Solicitor.

ENCROACHMENTS by estate agents on the work of solicitors are by no means uncommon, and the question of how far they may legally undertake work which is generally understood to be the province of solicitors, is one of interest to both professions. In *Harte* v. *Williams* [1933] W.N. 261, the Divisional Court recently decided by a majority judgment against an estate agent in a case turning on s. 44 of the Stamp Act, 1891.

That section provides: "Every person who (not a barrister, or a duly certified solicitor, law agent, writer to the signet, notary public, conveyancer, special pleader, or draftsman in equity) either directly or indirectly, for or in expectation of any fees, gain or reward, draws or prepares any instrument relating to real or personal estate, or any proceeding in law or equity, shall incur a fine of fifty pounds. Provided as follows:—. . . . (2) The expression 'instrument' in this section does not include . . . (*b*) an agreement under hand only."

The appellant, who was not qualified as provided by s. 44 of the Stamp Act, 1891, carried on business as an estate agent. In August, 1932, he adapted a printed form of lease from a law stationer for the purpose of preparing a lease of twenty-one years of property belonging to his wife, filled in the names of the parties, parcels, term and rent, and caused a typewriting agency to make one copy and two engrossments of the document. It was in the form of a full repairing lease for a long term. On his directions the typist put on no seal and did not refer to a seal in the testatum and attestation clause. The purported lessee signed the counterpart on 6th October, 1932. The appellant said he was entitled to prepare the lease, but admitted before the justices that he expressly omitted any seal because he was aware that he could not charge for preparing a deed. The document was not stamped in accordance with the Finance Act, 1931, s. 28, and the Stamp Act, 1891, but the appellant had volunteered to have that done.

On 7th December, 1932, an account was delivered by the appellant to the purported lessee. The account contained the item: "Preparing copy lease £1 5s., stamping lease and counterpart £1." The appellant argued that the document was "an agreement under hand only" within the meaning of s. 44 of the Stamp Act, 1891, and it had no legal effect as a lease under the Law of Property Act, 1925, s. 52, but had equitable effect as an agreement for a lease. The justices convicted the appellant and, as has been stated, the Divisional Court, by a majority decision, approved the justices' decision. Lord Hewart, C.J., and Avory, J., held that the document was an instrument relating to real or personal estate, and was not "an instrument under hand only." Lawrence, J., on the other hand, held that the agreement was an "instrument under hand only."

The facts in this case are somewhat different from those on which the magistrate at Marylebone gave his decision convicting an estate agent under the same section on 4th June, 1931 (75 SOL. J. 385). There the agreement in question

was a purported lease, expressed to be signed, sealed and delivered, but not in fact sealed, and the magistrate held that the document was not "an instrument under hand only."

There is some doubt on the authorities whether documents of this nature can be properly described as instruments under hand only. *Re Sandilands*, L.R. 6 C.P. 411, was a case of an instrument with pieces of green ribbon attached where the seals should be. The attestation clause stated that it was signed, sealed and delivered, and the court held that there was *primâ facie* evidence of sealing. The question was whether the court should allow it to be received and filed by the proper officer, under 3 & 4 Wm. 4, c. 74, as having been duly signed, sealed and delivered. Montague Smith, J., said that the attestation was *primâ facie* evidence that the deed was sealed and there was no evidence to the contrary. Lindley, L.J., however, subsequently, in *National Provincial Bank of England* v. *Jackson*, 33 Ch. D. 1, at p. 14, said that *In re Sandilands* was "a good-natured decision, in which I am not sure that I could have concurred."

Doubts were also cast on the decision in *Re Sandilands* in *Re Smith*: *Oswell* v. *Shepherd* (1892), 67 L.T. 64, in which a bond stated in the attestation clause that it was signed, sealed and delivered. No seal had, however, been affixed, and it was held that it was not an instrument under seal. Bowen, L.J., said: "It will not do to look at the paper and say: 'I deliver this as my act and deed.' There must be some sort of mark to denote the seal."

In *Harte* v. *Williams* the estate agent had deliberately avoided referring to a seal or putting on any seal, and it may be argued with considerable force that the document was an "agreement under hand only." There can be little doubt that it is interpreted at equity as an agreement to give a lease (*Walsh* v. *Lonsdale*, 21 Ch. D. 9), and it is difficult to see why the exemption in the second part of the proviso to s. 44 should not apply. Without expressing any opinion on the merits of this particular matter, we suggest that the difficulty could be cleared up by a short amending Act. Such an Act might also deal with the position of companies acting as solicitors, which we have already recommended in commenting on the recent case of *Law Society* v. *United Service Bureau, Ltd.* (77 Sol. J. 805, 815).

Company Law and Practice.

Meetings in Special Circumstances.

I PROPOSE this week to refer in some detail to a rather unusual state of affairs which, though admittedly rare, may arise in the case of any private company, and which came to my notice recently in connection with a particular case. The condition to which I refer is that of a company having no directors, and not a sufficient number of shareholders to requisition a meeting under s. 115 (1) (*c*), with which section I propose to deal in a moment. The position is, in the case of private companies, by no means as uncommon as one might think. We have only to consider the case of the one-man private company—for instance the case where the successful trader has sold his business to a private company in which he holds practically all the capital, and occupies the posts of sole governing director and secretary.

Although the company is almost certain to have among its articles an article in the form of art. 20 of Table A, which provides for the recognition of the legal personal representatives of a deceased shareholder, such an article in our hypothetical case will not aid us at all. There being no board of directors, there is no one who can register a transfer, and make those legal personal representatives members of the company.

With a problem such as the one that I have outlined in our minds, let us now have a look at ss. 114 and 115 of the Act. First of all s. 114 says that the directors of the company shall, notwithstanding anything in the articles, on the requisition of members holding not less than one-tenth of such of the paid-up capital of the company as carries the right of voting at general meetings of the company, convene an extraordinary general meeting. Sub-section (3) says that if the directors do not within twenty-one days from the date of the requisition convene a meeting, the requisitionists may themselves convene a meeting. I think it is clear that for s. 114 to be applicable there must be a board of directors who can be served with a requisition and who can make default in calling the meeting, so as to set in operation the provisions of sub-s. (3). It does not apply to the case which we have been considering because we have no board, and we have no members holding not less than one-tenth of the share capital.

Section 115 of the Act of 1929 is a new section, but it replaces s. 67 of the Act of 1908. The wording of s. 67 of the old Act and of the earlier Acts ran thus: "In default of, and subject to, any regulations in the articles"—then followed certain provisions. This might well be construed as being a provision that the articles were to be followed in any event, and that, if for any reason the regulations therein contained were inoperative, nothing could be done, and that so long as the regulations were there the section did not have any application. This, however, was not the view taken by the court in *Re Brick and Stone Company* (1878) W.N. 140. In that case the company had no formally constituted directors. Its articles excluded Table A and provided that meetings should be called by directors only, and not by members of the company. A petition for winding up was presented by the only four shareholders, on the ground that as there were no directors and therefore no meetings could be called, there was a deadlock. The court however took the view that a meeting could be called under s. 52 of the Act of 1862 (replaced by s. 67). The Master of the Rolls said that it appeared to him that where under the existing regulations a meeting could not be called in any event, the Act came into operation.

It is curious that the wording of s. 67 of the Act of 1908 was not altered from that of s. 52 of the 1862 Act in order to give effect to the decision in *Re Brick and Stone Company*. The wording of s. 115 of the new Act was probably altered for that reason, and it now runs thus (s. 115 (1)): "The following provisions shall have effect in so far as the articles of the company do not make other provision in that behalf." There then follow six paragraphs dealing with the calling of meetings, the most important of which is para. (*c*) "two or more members holding not less than one-tenth of the issued share capital or, if the company has no share capital, not less than five per cent. in number of the members of the company, may call a meeting." Here again we notice that the people to call the meeting must be members, and that they must hold not less than one-tenth of the issued share capital. This will not help us in our hypothetical case, because let us suppose further that there is only one other member of the company besides the deceased governing director, and as the deceased held nearly all the share capital, there are not in any event independent holders of one-tenth of the shares.

Fortunately we can get out of our difficulty by making use of the provisions of sub-s. (2) of s. 115. This provides that: "If for any reason it is impracticable to call a meeting of a company in any manner in which meetings of that company may be called . . . the Court may, either of its own motion, or on the application of any director of the company, or of any member of the company who would be entitled to vote at the meeting, order a meeting of the company to be called, held and conducted in such manner as the Court thinks fit, and may where any such order is made may give such ancillary or consequential directions as it thinks expedient . . ." This particular sub-section is new, and will, it is submitted, cover every case of difficulty which is likely to arise.

The application to the court is by originating summons under Ord. 53 B, r. 8 (*f*). It must be made by a member, and

the company will be made the respondent." The summons should be supported by evidence showing why it is that it is impracticable in the circumstances of the case for a meeting not to be called in the ordinary way. In the particular circumstances of the case we have been discussing it would be advisable to ask in the summons that the legal personal representatives of the deceased shareholder might be authorised to attend the meeting and vote. We have, of course, taken as example an extreme case, and the sort of case which is necessarily rare, but it is as well to know that the Act does make provision for situations of every conceivable kind.

A Conveyancer's Diary.

FOLLOWING my Diary for the 2nd December, I propose to notice this week what may be the effect as regards further advances of intermediate registration of matters other than mortgages.

Further Advances—Necessity for Searching.

The reader may recollect that I pointed out that under s. 94 of the L.P.A., 1925, further advances by a mortgagee would rank in priority to subsequent mortgages (legal or equitable) of which the first mortgagee had no notice when making the further advance; and also that a mortgagee making further advances is not deemed to have notice of a mortgage merely by reason that it was registered as a land charge or in a local deeds registry if it was not so registered at the time when the original mortgage was created or when the last search (if any) by or on behalf of the mortgagee was made, whichever last happens.

It is, however, only as regards mortgages that further advances are entitled to priority and not other matters of which the original mortgagee may have notice by reason of registration when making a further advance.

In the first place it seems clear that all instruments creating or conveying a legal estate in land within the area of the local deeds registries require registration in the appropriate registry but not instruments creating equitable interests only. It is, perhaps, not so important for a mortgagee making a further advance to search in those registries, because he will presumably have the title deeds, without which the mortgagor will not be likely to be able to create or convey a legal estate for value. He might, however, convey the land by way of settlement, voluntary or otherwise, registration of which would, under s. 192 (1), L.P.A., 1925, be notice to the mortgagee whether he searched or not.

The effect, therefore, of failure to make a search in the Yorkshire or the Middlesex Registry before making a further advance is that the mortgagee may find his further advance to be unsecured.

Turning now to the L.C.A., 1925.

Part III deals with writs and orders affecting land which consist of (*a*) a writ or order for enforcing a judgment, statute or recognisance, whether obtained on behalf of the Crown or otherwise, or for enforcing any inquisition for finding a debt due to the Crown or any obligation or specialty made to the Crown; (*b*) an order appointing a receiver or sequestrator of land; (*c*) a receiving order in bankruptcy.

Of course the most important of these is the third. Here, again, if a receiving order has been made and registered before the further advance is made, the mortgagee will find himself in the position of an unsecured creditor so far as regards the further advance.

Part IV of the Act provides for registration of deeds of arrangement. With regard to these also if registered before the further advance is made the effect would, I conceive, be to render the mortgagee an unsecured creditor as to the further advance.

Part V is concerned with the registration of "land charges." Of these, I think that only three do not come within the definition of mortgages, so that s. 94 of the L.P.A. affords no protection against them. These are (1) estate contracts, (2) restrictive covenants, and (3) equitable easements.

Let us take an ordinary contract for sale as an illustration of an estate contract. Suppose that an estate owner mortgages land to a mortgagee to secure £1,000. Then he enters into a contract to sell the land free from incumbrances for £1,500 and obtains a deposit of £150. The purchaser registers the contract as a land charge, and afterwards, without disclosing the contract, the mortgagor obtains from the mortgagee a further advance of £500.

If in such a case the mortgagee fail to search before making his further advance he will nevertheless be deemed to have notice of the contract for sale, which will take priority of his further advance. I take it that the result of that would be that the purchaser would be entitled to a conveyance on payment of the balance of his purchase money (i.e., £1,350) and the mortgagee would be bound to release the land and hand over the purchase money, and would be left without security for the remaining £150. Of course the further advance may have been larger. Whatever it may have been the mortgagee will lose his security for any amount above £1,350, which the purchaser is under contract to pay, and upon payment of which he is entitled to a conveyance free from incumbrances.

So far as regards restrictive covenants and equitable easements created and registered between the dates of the mortgage and the further advance, I must say I do not at present see how the mortgagee would be affected, because so far as regards the original advance he would hold and could sell free from such covenants and easements. It might be however that it would be held that on any sale by him the balance over and above the original advance must be applied firstly in compensating the person entitled to the benefit of the restriction or easement for the loss of it, and only what remained be available for payment of the further advance. That is the only way that occurs to me by which effect could be given to the priority over the further advance resulting from the registration of the restrictive covenant or equitable easement before the making of the further advance.

The conclusion which I draw is that it is not safe for a mortgagee to make further advances without making the usual searches.

It follows (if I am right) that if a solicitor is acting for a mortgagee on making a further advance, it is his duty to search in the local deeds registries (where appropriate) and also at the Land Registry, and if he fail to do so he will be liable to his client should there be a loss in consequence of his neglect.

I have lately had my attention directed to a point regarding restrictive covenants which I had not considered before. It arises upon s. 10 (1), Class D (ii), which provides for the registration of "A covenant or agreement (not being a covenant or agreement between a lessor and lessee) restrictive of the user of land entered into after the commencement of this Act."

Restrictive Covenants by a Lessor.

Suppose a lease of a shop or land upon which a shop is to be built contains a covenant by the lessee not to carry on any but a specified trade, and the lessor covenants that adjoining land belonging to him shall not be used for carrying on any competitive trade. The covenant on the part of the lessor will be of great importance to the lessee, but it is not required to be registered. How is the lessee to be protected? If the lessor or a successor in title of his should convey or demise the adjoining land without making any disclosure of the covenant restrictive of the user of it, the grantee or lessee of that land would not be bound by the covenant unless he had notice of it, and so the lessee taking the covenant would be left to sue his lessor for damages, which might be a barren remedy, or, at any rate, an inadequate one.

It has been suggested to me that the lessee should stipulate that the lessor should endorse a notice of the covenant upon his principal title deed to the adjoining land. That would, no doubt, give notice to a grantee of that land until the time came when the deed was of earlier date than the statutory root of title, and would also be notice until that time to a lessee who did not take his lease in pursuance of a contract, but would be no notice to a lessee who did take his lease under a contract. In this connection I may remind the reader, in passing, that the rule usually known as "the rule in *Patman* v. *Harland*," which saddles a lessee with notice of his lessor's title, has not been abolished by s. 44 of the L.P.A., 1925, except in the case of leases granted under a contract which does not expressly preclude the lessee from investigating the lessor's title.

Another expedient which has been suggested is that the covenants should be contained in a separate deed executed contemporaneously with the lease, and that such deed should be registered. I am not sure that this would do, for, in fact, the covenants would still be "between a lessor and lessee," although not entered into in the lease itself.

There can be no doubt, I think, that what the draftsman intended was "not being a covenant between a lessor and lessee *affecting the land demised*"; but the section does not say that, and I do not see how the words which I have inserted in italics, or words to the same effect, can be implied.

Landlord and Tenant Notebook.

Recent Authority on "Goodwill."

It was expected that the statutory recognition afforded to the value of goodwill by L.T.A., 1927, would lead to much judicial development of the principles applied in assessing that value, the more because the statute omits to define the term "goodwill." So far, however, little has been done to fulfil that expectation, and only two reported decisions can be said to have added to our knowledge.

As writers and lecturers have been so careful to emphasise, the basic principle of Pt. I of L.T.A., 1927, is that the landlord is not to reap where the tenant has sown, and not that the tenant is always to reap where or what he has sown. This principle, though generally understood, is expressed by means of so many adjectives and adverbs, and provisoes and savings, that Talbot, J., deemed it advisable to deliver a judgment running into several pages in *Hudd* v. *Matthews* [1930] 2 K.B. 197, in which the Divisional Court reversed the county court ruling and approved that of the referee. One could wish that the facts were as fully set out as the judgment: We are told that the claim was by a tenant of an eating-house, and that the landlord pleaded that he intended to use the premises for a different and more profitable purpose (proviso (*a*) to s. 4 (1)), and that if any goodwill attached to the premises they could not be let at a higher rent by reason thereof (s. 4 (1) itself); and we are told that the referee found that goodwill had become attached to the premises by reason of the carrying on of the business referred to and that he was not satisfied that by reason of the goodwill so attached the premises could be let at a higher rent than otherwise; and this and the judgment seem to imply rather than express that the premises could, if not would, be let for some other purpose at a higher rent. At all events, having so found, the referee ruled that no compensation (and consequently no new lease) could be ordered; but the judge remitted the report with a direction to find whether or not the premises, if let as an eating-house, would command a higher rent. It was against this direction that the landlord successfully appealed. The Divisional Court pointed out that the words "by reason whereof the premises could be let at a higher rent" might have been omitted if the county court judge's proposition were sound, and considered that the directions as to measure of compensation concluded the matter in the landlord's favour; the measure of compensation is clearly the value of the goodwill to the landlord, and if a higher rent cannot both be obtained and obtained by reason of the goodwill that has become attached by reason of the carrying on of business, the tenant is entitled to nothing. This case certainly emphasises the fact that it is value to the landlord that matters, but it would be interesting to know why the referee found the value to be nil in this case; for it is in assessing compensation, not in determining liability, that he is to "have regard" to such a factor as intention to use the premises for a different and more profitable purpose. I take it that this implies that he may usefully consider *how* different the purpose of the proposed user is: goodwill of, say, an ironmongery business is of no value to a landlord about to let to a fishmonger; but that of a ladies' outfitter might well enable a landlord to obtain a higher rent than otherwise from a hosier and draper. (For the subtle differences between these two callings, see *Stuart* v. *Diplock* (1889), 43 Ch. D. 343, C.A.)

Stressing the fact that the landlord is not to reap where he has not sown, but that the tenant is not necessarily to reap where he has sown, has been found a convenient way of explaining the scheme of the Act to over-sanguine tenants who require disillusionment. But, if accurate, it can in certain circumstances mislead, for it is not the whole truth, and it suggests that the tenant must have done some sowing if he is to have any claim. The statement leaves out of consideration the possibility of (continuing the metaphor) sowing done by a third party, and in *Simpson* v. *Charrington & Co. Ltd.* (reported in *The Times* of 31st October), it appeared that the county court judge had ruled that a tenant carrying on his business in the ordinary way by ordinary exertions could not qualify for compensation or a new lease, and that special exertions and skill must be exercised to increase the goodwill. The issue when the case reached the Court of Appeal depended on quite different matters (see the "Landlord and Tenant Notebook" of 18th November last, 77 Sol. J. 812) but Lord Justice Scrutton took the opportunity of exposing the fallacy underlying this proposition. His lordship, after a detailed examination of the nature of goodwill and the reference to the practice by which it always was sold on an assignment, pointed out that the Act contained nothing to warrant the view taken in the county court; indeed, the idea was that the tenant should receive from the landlord the value to the landlord of that goodwill, just as he would have received it from a purchaser of the lease during the term. The purchaser could not have said: "I will give you nothing for goodwill, because the possibility of profit is entirely due to extraneous circumstances."

Nevertheless, there is at least one extraneous circumstance by which, under the Act, the landlord is alone to benefit; in assessing compensation, a referee is to disregard any value which is attributable exclusively to the situation of the premises (s. 4 (1) (*d*) (ii)). Whether the Court of Appeal will deal with this provision in the same way as it dealt, in *Simpson* v. *Charrington & Co. Ltd.*, with the proviso (*c*)—in the case of licensed premises the sum is not to include any addition to the value of the premises attributable to the fact that the premises are licensed premises—namely, by condemning it as meaningless, remains to be seen. For if there can be no addition when premises have the same licence at the end as at the beginning of the trade carried on by the tenant, can there ever be an addition attributable to situation? And if value attributable to a licence never comes within the meaning of goodwill, is not value attributable to situation outside that meaning? No doubt what Parliament had in mind was such matters as improved transport, or changes in the character of a neighbourhood. Undoubtedly such extraneous circumstances can have a tremendous effect on goodwill. In London, certain shops, such as florists', tobacconists' and others dealing in portable perishable goods, may have their turnover increased beyond recognition, or be

put out of business, by the changes in omnibus stopping places ordered by the Minister of Transport. If the statute means that the landlord and not the tenant is to have the benefit of the value added in the former case, it is rather clumsily expressed.

Our County Court Letter.

WORKMEN'S COMPENSATION AND ADDED PERIL.

In *Watkins* v. *Lancaster Steam Coal Collieries Limited*, recently heard at Abertillery County Court, an award was claimed in the following circumstances: (1) The applicant (having left his working place at 1.55 p.m. with other miners) had reached the double parting, when the haulage rope was in motion; (2) by arrangement with the management, the men were allowed to use the haulage road from 1.40 p.m., when the haulage was stopped—to enable the men to go from their working places and leave the pit; (3) the men (having assumed that the rope had stopped for the latter purpose) therefore began to walk along the road; (4) the haulage was nevertheless re-started, and the applicant's leg was fractured. The respondents' case was that (*a*) there was an alternative travelling way out of the pit, and the applicant had been warned by a master haulier (and by the engine driver) not to use the roadway, as the haulage was working; (*b*) even if the management allowed walking along the roadway, it was nevertheless a breach (by the applicant) of the Coal Mines Act, 1911. His Honour Judge Thomas observed that, in view of the arrangement with the management, the applicant was entitled to traverse the roadway (on the assumption that the haulage would not be in motion) and he might easily have failed to hear the warnings. An award was therefore made at the rate of £1 6s. 2d. per week from the 12th August, with costs.

THE TENURE OF SPORTING TROPHIES.

(*Continued from* 77 Sol. J. 640.)

In *Bennet* v. *Gooding*, recently heard at Ipswich County Court, the claim was for the return of a cup to the Buck's Horn Bagatelle Club. The plaintiff's case was that (1) as licensee of the Buck's Horn Inn, he was treasurer of the club, which was formed in 1923, the subscription being 3d. a week; (2) in 1927 the club received the gift of a silver cup, which—under the rules of the committee and members—had to be won three times running (or five times non-consecutively) in order to be claimed outright; (3) the defendant won the trophy in 1931 and 1932, and then removed it—in spite of protests. The defendant's case was that (*a*) the original rules (in 1923) provided that the cup could be won outright by two wins running or three wins in non-consecutive years; (*b*) although a larger cup was presented in 1927, he was not aware of any alteration in the rules, which had never been printed. His Honour Judge Hildesley, K.C., gave judgment for the plaintiff, with costs.

COACH PROPRIETORS' RESPONSIBILITY FOR LUGGAGE.

In *Curtis and Curtis* v. *E. J. Jones (Liverpool-London) Ltd.*, at Clerkenwell County Court, the claim was for the value of personal luggage lost in the following circumstances: The plaintiffs, husband and wife, had taken tickets of the defendants for a journey from London to Erdington, and had arrived at King's Cross Coaching Station well before the coach on which they intended to travel was due to leave. An official of the defendant company then relieved them of their suit-cases, undertaking to place them on the coach. In the meantime the first coach filled up, and the plaintiffs travelled by a "relief" coach. On arrival at Coventry, where they were to change, it transpired that the luggage compartment did not contain the two suit-cases. Subsequent enquiries established that they had never been placed on the coach at all. For the defence it was contended (1) that no negligence had been proved, and that in the absence of negligence the defendants were not liable, and (2) that a condition on the ticket, to this effect: "a limited amount of luggage is carried free with each passenger, but solely and entirely at passenger's own risk," absolved the defendants from responsibility. His Honour Judge Kennedy held that, if it were necessary to decide an issue of negligence, he would be against the defendants on that point. Dealing with the condition, His Honour was of opinion that it was clearly printed and had been sufficiently brought to the notice of the plaintiffs, though they had not seen it, and that if the goods had been lost in carriage it would have been "difficult" for them; but on an issue of scope raised by the plaintiffs he held that the word "carried" limited the exoneration to loss and damage occasioned in the course of the actual journey (cf. *L.N.W.R. Co.* v. *Neilson* [1922] 2 A.C. 263.) Judgment was given for the plaintiffs for £52, the value of the suit-cases and their contents.

Obituary.

Sir ROBERT WELSFORD.

Sir Robert Mills Welsford, M.A., LL.B., solicitor, senior partner in the firm of Messrs. Biddle, Thorne, Welsford and Gait, of Aldermanbury, E.C., died on Sunday, 10th December, at the age of seventy-two. Educated at Brighton College and Trinity College, Cambridge, he was admitted a solicitor in 1885. He was elected to the Council of The Law Society in 1910, and became President in 1928. At the conclusion of his year of office he received the honour of knighthood. Sir Robert Welsford was Chairman of the Legal Education Committee of The Law Society, and was one of the foremost promoters of the Solicitors Act, 1922. He was an honorary member of the Society of Public Teachers of Law.

Mr. B. BAINES.

Mr. Bernard Baines, solicitor, a member of the firm of Messrs. Wetherfield, Baines & Baines, of New Burlington-street, W., and Wandsworth, S.W., died at Streatham Park on Friday, 8th December. Mr. Baines was admitted a solicitor in 1912.

Mr. L. LOVIBOND.

Mr. Louis Lovibond, solicitor, of Bridgwater and Burnham-on-Sea, died at his home at Burnham on Friday, 8th December, at the age of seventy-two. Mr. Lovibond was admitted a solicitor in 1885.

Mr. F. M. SERJEANT.

Mr. Frederick Mawdesley Serjeant, solicitor, senior partner in the firm of Serjeant & Son, of Ramsey, Huntingdonshire, died in Peterborough Hospital on Saturday, 9th December, at the age of fifty-eight. Mr. Serjeant, who was admitted a solicitor in 1899, was Clerk to the Ramsey Magistrates.

Mr. F. TURNER.

Mr. Frank Turner, solicitor, senior partner in the firm of Messrs. Holland, Holland & Turner, of Chester, died on Friday, 8th December. Mr. Turner, who was admitted a solicitor in 1890, was Deputy City Coroner for a number of years. He entered into partnership with Mr. Thomas Welsby Holland as Messrs. Holland, Holland & Turner. Mr. Holland was killed in the war, and Mr. Turner had since carried on the practice. For the past eleven years Mr. T. Wayman-Hales had been associated with him.

Mr. Harold Lacy Addison, solicitor, of Weybridge, and of Messrs. Linklaters & Paines, solicitors, Bond-court, E.C., left £36,041, with net personalty £24,952.

"APPEALS" WHICH SHOULD NOT BE DISMISSED.

It is our custom at this season of the year to call attention to the appeals made by organised charitable institutions, and our efforts in the past have, we venture to hope, met with a certain amount of success. The lot of the sick and needy and other victims of misfortune has a special claim upon human sympathy at Christmas-time, and we feel, therefore, that it is our duty to make our special appeal as before. The following are a few excellent examples of the many deserving institutions which are badly in need of support:—

The Shaftesbury Society and R.S.U. is in its ninetieth year of varied service for many thousands of children and families crowded into miserable homes in squalid streets. The 177 associated missions in Greater London are engaged in all kinds of agencies ministering to human needs: clinics, infant welfare centres and day nurseries, medical missions, meetings for women, grandfathers and old age pensioners. Five thousand six hundred voluntary helpers maintain the work in these, also in Sunday schools and services, scouts, guides, brigades, bands of hope and in over 100 cripple parlours and senior guilds for the 8,200 cripples on the Society's register. Four residential schools are filled by 270 crippled and ailing children. Several holiday homes are also open and are busily thinking of Christmas festivities. Gifts of money or of goods will be gratefully acknowledged if sent to: Arthur Black, General Secretary, John Kirk House, 32, John-street, W.C.1.

For sixty-seven years the Charter of Dr. Barnardo's Homes: "No destitute child ever refused admission"—has been maintained, and under this Charter no fewer than 114,102 destitute children have been admitted through the open door into these Homes and trained for useful citizenship. The door is ever open to the need of the destitute little ones, and on an average five children enter these Homes every day. Donations to help maintain this great family, which at present numbers 8,507, should be sent to the Treasurer, Dr. Barnardo's Homes, 18-26, Stepney-causeway, E.1.

There are many other deserving charities whose principal objects are child welfare, and amongst them should not be forgotten the N.S.P.C.C., Spurgeon's Orphan Homes, Homeless Children's Aid and Adoption Society, Royal Soldiers' Daughters' Home, and the Homes for Waifs and Strays. Funds for carrying on their good work are urgently needed by these deserving institutions, and gifts and donations should be sent respectively to the N.S.P.C.C., Victory House, Leicester-square, W.C.2; Spurgeon's Orphan Homes, Clapham-road, Stockwell, S.W.9; The Homeless Children's Aid and Adoption Society, 93, Westminster Bridge-road, S.E.1; Royal Soldiers' Daughters' Home, 65, Rosslyn Hill, Hampstead, N.W.3; and the Church of England Incorporated Society for Providing Homes for Waifs and Strays, Kennington, S.E.11.

The magnificent work of our many hospitals should not at this time of the year be ignored, and we feel that no appeal would be complete without mention of a few of them. There will be an extra and a special glow of Christmas happiness, we imagine, in the heart of any man or woman who has made some little sacrifice to assist the Cancer Hospital in its work of healing. That institution has a splendid record, not only of devoted healing and nursing work, but in the vitally important service of cancer research. Legacies, subscriptions and donations will be welcomed by the Secretary, The Cancer Hospital, Fulham-road, S.W.3. Work of the greatest importance to mankind is carried on by the Imperial Cancer Research Fund, and donations in support of this fund should be sent to the Treasurers, Queen-square, W.C.1. The National Society for Cancer Relief, of 15, Ranelagh-road, S.W.1, would also be grateful for assistance from those who are charitably disposed. The Princess Elizabeth of York Hospital for Children (formerly the East London Hospital for Children) has rendered splendid service to the sick and suffering children of the East End of London for the past sixty-five years. It has brightened the lives of over 1,400,000 children from some of the most destitute homes in London's Dockland. Donations to support this work should be sent to the Hospital, the address being Shadwell, E.1.

Help is needed by the National Hospital in Queen-square, W.C.1, which specialises in the relief and cure of nervous diseases, paralysis and epilepsy; also the Hospital for Sick Children in Great Ormond-street, W.C.1, which is the oldest voluntary hospital for children in the British Empire, and the Hospital for Epilepsy and Paralysis in Maida Vale, W.9.

There are many other hospitals urgently in need of assistance, and although space does not permit us to refer to them all specifically, we feel that the Brompton Hospital, S.W.3, Guy's Hospital, at London Bridge, S.E.1, and Westminster Hospital, S.W.1, should not be forgotten.

The Royal Surgical Aid Society, which was established in 1862 to supply spinal supports, artificial limbs, etc., has supplied over 1,450,000 appliances to the poor. Donations will be thankfully received by the Secretary at the offices of the Society, Salisbury-square, Fleet-street, E.C.4.

Of the charities not confined to the care of the sick or of children, St. Dunstan's, whose headquarters are at Inner Circle, Regent's Park, N.W.1, is perhaps one of the best known. There are now about 2,000 cases of men who have lost their sight as a result of active service during the Great War. All of these are under the care of St. Dunstan's. Although it is nearly twenty years since the war began, new cases are still regularly coming in. Almost invariably these new cases are those of men whose eyesight was slightly affected as a result of the war and who have now, after all these years, gone completely blind. During the last recorded period of twelve months there were twenty-seven such new cases as compared with twenty-two deaths. A special appeal is also made on behalf of Earl Haig's British Legion Appeal Fund, and there is little doubt that a Christmas present, large or small, addressed to Captain Willcox, Haig House, Eccleston-square, S.W.1, on behalf of that fund would be doubly welcome.

For some years past the main aim of the National Institute for the Blind, of 224-6-8, Great Portland-street, W.1, has been the development of a spirit of self-help among our sightless population. Apart from its Sunshine Homes for Blind Babies, care of the aged and infirm, production of embossed literature, and other charitable activities, the institute is following a definite programme to enable the blind to become self-supporting citizens.

The many and varied works of the Church Army are also apparent to most of us. Donations or other gifts should be sent to Preb. Carlile, C.H., D.D., Hon. Chief Secretary, 55, Bryanston-street, S.W.1. The Salvation Army also contributes a vital service to the nation; but it needs support. The headquarters are at 101, Queen Victoria-street, E.C.4.

The work and influence for good of the British Sailors Society is so well known that it is only necessary to mention here that their work of providing home and overseas rest for sailors, and caring for their widows and orphans, cannot continue without generous support, which should be addressed to the society's headquarters, 680, Commercial-road, E.14.

Funds are needed to assist the ever-increasing number of deserving cases cared for by the Distressed Gentlefolks Aid Association, 75, Brook-green, S.W.6, The National Benevolent Institution, 65, Southampton-row, W.C.1, and Miss Smallwood's Society for the Assistance of Ladies in Reduced Circumstances, Lancaster House, Malvern.

The Central Discharged Prisoners' Aid Society, of Rooms 34-35, Victory House, Leicester-square, W.C.2, is urgently in need of support to enable it to carry on its good work of

caring for the many thousands of discharged prisoners and dependents of those serving sentences.

Assistance is also required by the People's Dispensary for Sick Animals, of 14, Clifford-street, New Bond-street, W.1, and the Royal Veterinary College, of Camden Town, N.W.1.

The above are obviously only a few of the many and varied charitable organisations urgently in need of funds, but we feel that maybe this short mention of them may assist readers of this page who are desirous of making, at this festive season, some small contribution to the happiness and welfare of those less fortunate than themselves.

Practice Notes.

The following memorandum has been received from the Lord Chancellor's office and we take the opportunity of publishing it in full. A comment upon the new system will be found at p. 874.

PROBATE COPIES.

1. On the 1st January, 1934, a new system will be introduced in the Principal Probate Registry with regard to the issue of copies of probates* and letters of administration.

2. In the following observations, any reference to probate may be read as a reference to letters of administration with the appropriate substitution of "administrator" for "executor" and "intestate" for "testator" in the context.

3. Where probate is granted at the Principal Registry on or after the 1st January, 1934, the executor will be able to obtain sealed copies of the probate for a fee of one shilling each. The object of this facility is to save estates of deceased persons from loss and expense occasioned by lapse of time between the date of the grant and the date when the probate is registered with those limited companies in which the testator held stock or shares, a period which under the old system often lasted for many weeks.

4. In order to obtain the benefit of the new system, the executor should send copies of the probate, with suitable covering letters, simultaneously to all the persons and corporations (e.g., companies, debtors, creditors, etc.) who may be expected to require proof of the grant before recognising the title of the executor. By this means he may well be in a position to deal with the assets of the estate within a few days of the grant. He should therefore apply for as many copies as he may need for this purpose, having upon receipt of the probate, examined it to make sure that it contains no slip needing correction.

5. The application for the copies may be made on the day of issue itself, but only if the probate is produced in the Copies Department so as to identify the grant without reference to the public calendars of the court. Within a week after the day of issue the person applying for copies may choose between producing the probate and making the usual search in the calendars. After that time the usual search will be required.

6. The new copies will be copies of the probate reproduced by photographic process, and will be sealed with the small seal of the Court.† They must be received in evidence of the grant in all parts of the United Kingdom without further proof,‡ but they do not obviate the necessity to re-seal the English grant, or to obtain separate representation, where there is property out of England. If produced to a limited company in England they are sufficient evidence of the grant, notwithstanding anything in the articles of the company.§ The methods of establishing the identity of the testator with the person registered in the books of the company are unaffected by the new system.

7. A copy of the probate sealed with the large seal of the Court, or a copy certified by the Registrar but not sealed, will continue to be obtainable, if desired, the fees at present payable for similar copies of the record of the grant being applicable.

8. The photographic process will entail the discontinuance of the red seal upon probates issued from the Principal Probate Registry, and for uniformity it is proposed soon to make a similar change in those issued from the District Probate Registries. With this exception no alteration will be made in the form of probates issued from the District Probate Registries, but those issued from the Principal Registry will, on and after the 1st January, 1934, contain the addresses and descriptions of the executors and, where appropriate, the net value of the personal estate will be shown. An executor must give a precise occupational description in his oath, and if he has no occupation the words "of no occupation" should be used. Such a description as "Esquire," "Gentleman" or "Clerk" should be avoided. A female should be described as "Spinster," "Widow," "Wife of....," or "Single Woman" as the case may be.

9. The introduction of a photographic process between the sealing and the issue of the probate is new. This is not expected to retard the time of issue appreciably, but any slight delay before issue will be more than compensated by the provision of copies at a low fee which, if utilised, will greatly expedite the business of winding up the estate.

Lord Chancellor's Office,
House of Lords, S.W.1.
December, 1933.

* By "probate" is meant the grant of probate and not the copy of the Will.
† The Non-Contentious Probate Rules, 1933 (S.R. & O. 1933, No. 985).
‡ Supreme Court of Judicature (Consolidation) Act, 1925 (15 & 16 Geo. 5. c. 49), s. 174, as amended by the Administration of Justice Act, 1932 (22 & 23 Geo. 5. c. 55) s. 4.
§ Companies Act, 1929 (19 & 20 Geo. 5. c. 23) s. 69.

In Lighter Vein.

THE WEEK'S ANNIVERSARY.

I do not know of anyone who became a member of an Inn of Court younger than Thomas Trevor, who was admitted to the Inner Temple at the age of six, being called to the Bar there in 1603, when he was seventeen. In 1619, he was knighted and appointed solicitor to Prince Charles, on whose accession to the throne he was appointed to the bench of the Court of Exchequer. His opinion supporting the King on the question of Ship Money and his subsequent judgment in *Hampden's Case* caused him to be impeached and fined when the Long Parliament came in. However, he retained his office, and, having apparently learned the consequences of loyalty to the Stuarts, he was one of the three judges who stayed in London on the outbreak of the Civil War when the rest of their brethren joined the King at Oxford. In fact, when the royal messengers served him with a writ to attend there, he ordered them to be arrested. Still, he gave no countenance to the execution of Charles, and afterwards refused to serve under the new authority. He retired to his manor of Leamington Hastings, in Warwickshire, where he died on the 21st December, 1656.

A STORY RECLAIMED.

The annual dinner and dance of the Gray's Inn Debating Society was a very cheerful affair adorned by the presence of Sir Albion Richardson and Sir Nicholas Grattan Doyle. Much wit was in the speeches, and I was particularly interested to hear from a tongue which I reverence as authoritative, the veritable origin of a joke which time, the enemy of truth, has twisted into many shapes not legal. Here it is restored, as I take it, to its proper form. Mr. Baron Dowse and Chief Baron Palles of the Irish Court of Exchequer were both great wits in their generation, and, like many great wits, were also in this respect rival showmen. The former had a son who was somewhat less ready than his father, and one day Dowse the younger had to give evidence in a case which was being

tried before Palles. He was very severely cross-examined, and, at last, losing patience, he turned to the judge and exclaimed: "My Lord, I protest! I will not be treated like this. Do you know who I am?" "No, I don't know who you are," replied Palles. "I'm the son of Baron Dowse." "It's a pity your mother wasn't barren too."

INSANITY BY PRESUMPTION.

The astonishing episode of a sane woman being dragged from her home, driven in an ambulance to a lunatic asylum and put to bed there—all without any proof of identity—will amaze those who have old-fashioned ideas about the liberty of the subject. One is tempted to think that some mental specialists would be as fit inmates as some of their patients, for obviously, the more desperately indignant a sane person thus kidnapped became, the more insane he would seem. That is certainly what happened to Lord St. Leonards at a time when he was Chancellor of Ireland, on the occasion of a visit which he arranged with Sir Philip Crampton, the Surgeon-General, to make to the asylum at Finglas, near Dublin. A practical joker, having got hold of the details of the proposed visit, sent word to the authorities to expect a patient "who thought himself one of the judges or some great person of that sort." When Lord St. Leonards arrived, he was told that the Surgeon-General had not come yet, but was expected. "Then," said he, "I shall inspect some of the rooms till he arrives." "Oh, sir, we could not permit that at all." "Then I will walk awhile in the garden." "We cannot let you go there either." "What! don't you know that I am the Lord Chancellor?" "We have four Lord Chancellors here already." When at last Crampton arrived and asked whether the Chancellor had come, the keepers replied: "Yes, sir, we have him safe, but he threatens to be the most violent patient in the house."

Parliamentary News.

Progress of Bills.

House of Lords.

Agricultural Marketing Bill.
Read First Time. [13th December.
Matrimonial Causes (Procedure in Suits for Nullity) Bill.
Read Third Time. [7th December.
Public Works Facilities Scheme (Thames Conservancy River Improvement) Bill.
Read Second Time. [12th December.

House of Commons.

Adoption of Children (Workmen's Compensation) Bill.
Read First Time. [13th December.
Agricultural Marketing Bill.
Read Third Time. [12th December.
Anti-dumping Bill.
Read First Time. [13th December.
Dyestuffs (Import Regulation) Bill.
Read First Time. [13th December.
Licensing (Standardisation of Hours) Bill.
Read Second Time. [8th December.
Ministry of Health Provisional Order (Crosby Litherland and Waterloo Joint Cemetery District) Bill.
Read First Time. [11th December.
Ministry of Health Provisional Order (Wirral Joint Hospital District) Bill.
Read First Time. [11th December.
Newfoundland Bill.
Read Second Time. [12th December.
Public Works Facilities Scheme (Thames Conservancy River Improvement) Bill.
Read Third Time. [11th December.

Questions to Ministers.

HIRE-PURCHASE AGREEMENTS.

Lieut.-Colonel MOORE asked the Attorney-General whether, in view of the fact that the present state of the law relating to hire-purchase does not sufficiently protect the interests of the hire owners, of auctioneers, or other sellers, or of those who have bought articles in good faith and not knowing that they were the subjects of an incomplete hire-purchase transaction, he will introduce legislation to compel the registration of all hire-purchase agreements as bills of sale.

Sir VICTOR WARRENDER (Vice-Chamberlain of the Household): I have been asked to reply. It is not proposed to introduce legislation of this nature for which, as far as my right hon. and learned Friend is aware, there is no general desire. [12th December.

Rules and Orders.

THE SUMMARY JURISDICTION RULES, 1933.
DATED DECEMBER 4, 1933.

1. *Citation.*]—These Rules may be cited as the Summary Jurisdiction Rules, 1933.

2. *Commencement.*]—These Rules shall come into operation on the 1st day of January, 1934.

3. The following Rule shall be substituted for Rule 18 of the Summary Jurisdiction Rules, 1915* :—

18. *Persons authorised to receive part payments.*]—When a term of imprisonment is imposed by a court of summary jurisdiction in respect of the non-payment of any sum of money, payment of a part of that sum may, subject to the restriction in Rule 19, be made to—

(1) the clerk of the court by which the term of imprisonment was imposed, provided that no warrant of distress or commitment has been issued to the police; or

(2) any person under whose supervision the person is placed in accordance with section 1 (3) of the Criminal Justice Administration Act, 1914, provided that no warrant of distress or commitment has been issued to the police; or

(3) the police officer holding the warrant of distress or commitment; or

(4) the governor of the prison in which the prisoner is then confined, or any other person having lawful custody of him, provided that no sum tendered in part payment for the purpose of securing a proportionate reduction of the prisoner's term of imprisonment need be accepted by the governor of the prison except on a week-day between the hours of nine in the morning and five in the afternoon.

4. The following Rule shall be substituted for Rule 28 (2) of the Summary Jurisdiction Rules, 1915 :—

(2) When a defendant, who has given due notice of appeal against a decision of a court of summary jurisdiction or has applied for a case to be stated, is in prison and sureties enter into a recognizance in accordance with section 31 of the Summary Jurisdiction Act, 1879, or section 3 of the Summary Jurisdiction Act, 1857, separately from the defendant, written notice in form number 53 in the schedule hereto shall be sent forthwith by the court or other person taking their recognizance to the governor of the said prison that such recognizance has been entered into; and the governor shall, if the defendant has not already entered into his recognizance, take his recognizance and shall,

(*a*) in the case of an appeal under section 31 of the Summary Jurisdiction Act, 1879, on being satisfied that all recognizances which have been required by the court in connection with the appeal have been entered into and that the court has directed his release, discharge him, or

(*b*) in the case of an application for a case to be stated, if the recognizance contains a condition for the defendant's appearance before the court of summary jurisdiction within ten days after the judgment of the superior court has been given, discharge him,

provided that in either case he be held for that cause and no other.

5. The following Rule shall be substituted for Rule 53 of the Summary Jurisdiction Rules, 1915 :—

53. *Drawing and filing convictions.*]—(1) Formal convictions and orders giving the decisions of courts of summary jurisdiction shall not be drawn up unless required for an appeal or some other legal purpose. When it is necessary for such purpose to draw up a conviction or order, the same shall be in one of the forms set forth in the schedule hereto, unless some other form is prescribed by lawful authority for the particular case. In any case it shall be sufficient for any conviction or order to be signed and sealed by one justice.

* S.R. & O. 1915 (No. 200) III, p. 121.

(2) In the case of an appeal against a conviction or other decision of a court of summary jurisdiction the clerk of the said court shall, at the time of transmitting the notice of appeal to the clerk of the peace in accordance with the provisions of section 3 (1) of the Summary Jurisdiction (Appeals) Act, 1933, transmit to him in proper form the decision against which the appeal is brought to be filed by him among the records of quarter sessions and also a statement containing the last or usual place of abode of the appellant and of the other party to the appeal.

(3) In any other case in which a conviction may be proved by the means provided by section 28 (1) of the Criminal Justice Administration Act, 1914, it shall not be necessary to draw up the conviction and file it with the clerk of the peace.

6. *Forms.*]—(1) Forms number 43 and 51 in the schedule hereto shall be substituted for the corresponding forms in the schedule to the Summary Jurisdiction Rules, 1915.

(2) Form number 56A in the schedule hereto shall be inserted after form number 56 in the schedule to the said Rules.

Dated the 4th day of December, 1933.

Sankey, C.

SCHEDULE.

FORMS.

43.

Recognizance.† (*S.J. Act*, 1848, *s.* 16, *&c.*)

In the [county of . Petty Sessional Division of].

The under-mentioned persons severally acknowledge themselves to owe to our Sovereign Lord the King the several sums following, namely: of , as principal, the sum of , and of , and of , as suret the sum of [each] to be levied on their several goods, lands, and tenements if the said principal fail in the condition hereon endorsed.

(*Signed where not taken orally*) *A. B.*
G. H.
J. K.

Taken [orally] before me the day of 19 .

J.P., (L.S.)

Justice of the Peace for the [county] aforesaid, *or* Clerk of the Court of Summary Jurisdiction for the [Petty Sessional Division] of , *or* Superintendent of the Police.

Condition.

The condition of the above recognizance is such that if the above-bounden principal shall appear before the Court of Summary Jurisdiction sitting at on day, the day of , 19 , at the hour of in the noon [*or* shall appear at every time and place to which during the course of the proceedings against the said principal the hearing may be from time to time adjourned (unless the Court shall order otherwise in the meantime)], to answer to the charge made against him /her by , and to be dealt with according to law,

[*or* shall keep the peace and be of good behaviour towards His Majesty and all His liege people, and especially towards for the term of now next ensuing],

[*or* shall prosecute with diligence his /her appeal to Quarter Sessions for the [county] aforesaid from a certain decision of the Court of Summary Jurisdiction, sitting at , bearing date the day of , 19 , whereby the said principal was convicted for that [*or* was sentenced *or* ordered]],

[*or* [and] shall appear on such date and at such time and place as may be notified to him /her by the Clerk of the Peace at the hearing of his /her appeal to Quarter Sessions for the [county] aforesaid from the said [a certain] decision of the Court of Summary Jurisdiction [sitting at , bearing date the day of , 19 , whereby the said principal was convicted for that [*or* was sentenced *or* ordered]]],

[*or* shall prosecute without delay his /her appeal from a certain conviction [*or* order] of the Court of Summary Jurisdiction sitting at , bearing date the day of , 19 , whereby the said principal was convicted for that [*or* was ordered] to the High Court of Justice and submit to the judgment of the superior Court and pay such costs as may be awarded by the superior Court [‡and, unless the determination appealed against be reversed, shall appear before the said Court of Summary Jurisdiction within ten days after the judgment of the superior Court shall be given, to abide such judgment]],

then the said recognizance shall be void, but otherwise shall remain in full force.

† For Recognizance under Probation of Offenders Act, *see* Form number 67.
‡ Delete if the principal is not in custody.

51.

Certificate of Amount and Condition of Recognizance.
(*Rule* 30.)

In the [county of . Petty Sessional Division of].

A.B. (hereinafter called the defendant) was, on the day of , committed by the Court of Summary Jurisdiction, sitting at , to His Majesty's prison at , charged with [*or* convicted of] (*&c., naming the offence shortly*) (*add, if notice of appeal has been given, or application made for a case to be stated*). [And has given notice of appeal, *or* applied for a case to be stated]:

I hereby certify that the said Court has consented to the defendant being bailed by recognizance, himself /herself in , and [*or* has fixed the amount of the recognizance to be entered into by the defendant at , with] suret in (each), conditioned for the appearance of the defendant at the said Court on the day of , at the hour of , in the noon [*or* at every time and place to which during the course of the proceedings against the defendant the hearing may be from time to time adjourned, unless the Court shall order otherwise in the meantime].

[*or* for the appearance of the defendant at the next Court of Assizes *or* Quarter Sessions, at to take his /her trial].

[*or* for the defendant keeping the peace and being of good behaviour towards His Majesty and all His liege people, and especially towards for the term of from the date aforesaid].

[*or* for the prosecution by the defendant with diligence of an appeal to Quarter Sessions for the [county] aforesaid against his /her conviction [*or* sentence]],

[*or* [and] for the appearance of the defendant on such date and at such time and place as may be notified to him /her by the Clerk of the Peace at the hearing of his /her appeal to Quarter Sessions for the [county] aforesaid against his /her conviction [*or* sentence] and I hereby certify that the said Court of Summary Jurisdiction has directed, on the required recognizances conditioned for the prosecution of his /her appeal and his /her appearance being duly entered into, his /her release from custody, if he /she be held for no other cause].

[*or* for the prosecution without delay by the defendant of an appeal to the High Court of Justice against his /her conviction and for the submission of the defendant to the judgment of the superior Court and for payment by the defendant of such costs as may be awarded by the superior Court [§and, unless the determination appealed against be reversed, for the appearance of the defendant before the said Court of Summary Jurisdiction within ten days after the judgment of the superior Court shall have been given, to abide such judgment, and I hereby further certify that, on the said recognizance(s) being entered into, the defendant is to be released from custody, if he /she be held for no other cause]].

Dated the day of 19 .

J.C.,
Clerk of the said Court of Summary Jurisdiction.

56A.

Certificate of Service. (*Service of Process* (*Justices*) *Act*, 1933, *s.* 2.)

Indorsement.

I, ‖ of hereby certify that I served of with this summons [*or* notice, process, document] by delivering on the day of , 19 , a true copy thereof to him /her personally [by leaving on the day of , 19 , a true copy thereof with for him /her at , being his /her last [*or* most usual] place of abode],

[¶with the summons [*or* notice, process, document] of which this is a true copy by sending the said summons [*or* notice, process, document] by post to him /her in a prepaid [registered] letter posted by me at the post office situate at o'clock in the noon on the day of , 19 , and addressed to at , being his /her last [*or* usual] place of abode].

Dated the day of , 19 .

A.B.

§ Delete if the defendant is not in custody.
‖ Here insert name and description.
¶ Only summonses, etc., in respect of which service by post is specially authorized, can be so served.

THE COSTS OF POOR APPELLANTS AND RESPONDENTS (SUMMARY JURISDICTION APPEALS) RULES, 1933, DATED DECEMBER 4, 1933, MADE BY THE SECRETARY OF STATE IN PURSUANCE OF SECTION 2 (8) OF THE SUMMARY JURISDICTION (APPEALS) ACT, 1933 (23 & 24 GEO. 5. C. 38).

In pursuance of Section 2 (8) of the Summary Jurisdiction (Appeals) Act, 1933, I hereby make the following Rules regarding the rates and scales of payment to solicitor and counsel, and the cost of a copy of the depositions and notes of evidence, for the preparation and conduct of an appeal, or for resisting an appeal, by a person in respect of whom an appeal aid certificate has been granted under Section 2 of the said Act:—

1.—(1) Subject to the provisions of Rule 4, there shall be allowed to the solicitor assigned under an appeal aid certificate a fee not exceeding £3.3.0.:

Provided that—

(*a*) The presiding Judge, after the conclusion of the hearing, may, if he think fit, certify that the appeal was one of exceptional length or difficulty, and thereupon the fee may be increased to such sum not exceeding £6 as he may direct; and

(*b*) These fees may be increased by the same percentage as is for the time being authorised in respect of business in the Supreme Court by Order LXV Rule 10 (2) of the Rules of the Supreme Court.(*)

(2) In addition to the foregoing fees, the solicitor may be allowed travelling expenses actually and necessarily incurred by himself and his clerk on the scale applicable to the travelling expenses of ordinary witnesses for a prosecution on indictment and also, subject to taxation thereof, any other out of pocket expenses (including allowances to witnesses) actually and reasonably incurred.

2. Subject to the provisions of Rule 4, there shall be allowed to counsel assigned under an appeal aid certificate a fee not exceeding £3.5.6., and, in addition, if he attends from a distance exceeding twenty miles measured in a straight line for the sole purpose of appearing at the appeal and the Court of Quarter Sessions is not in session for general purposes, a further fee not exceeding £1.1.0.:

Provided that the presiding Judge, after the conclusion of the hearing, may, if he think fit and the hearing has lasted more than one full day, certify that the appeal was one of exceptional length or difficulty, and thereupon the total fee may be increased to such sum not exceeding £11.0.0. as he may direct.

3. There shall be allowed to the Clerk to the Justices or Clerk of the Peace by whom a copy of the depositions or notes of evidence is supplied to the solicitor assigned under an appeal aid certificate payment at the rate permitted to be charged by the Clerk under any authorized table of fees therefor.

4. Where notice of the abandonment of the appeal has been received by the Clerk of the Peace, there shall be allowed to the solicitor or counsel previously assigned under an appeal aid certificate such fees not exceeding the fees mentioned in the preceding Rules as the presiding Judge may direct.

5. In these Rules the term "presiding Judge" includes the Chairman of the Court by which the appeal is, or if the appeal is abandoned, might have been, heard, a Recorder, a deputy Recorder and an assistant Recorder.

6.—(1) These Rules may be cited as the Costs of Poor Appellants and Respondents (Summary Jurisdiction Appeals) Rules, 1933.

(2) These Rules shall come into operation on the 1st January, 1934.

Given under my hand at Whitehall this 4th day of December, 1933.

John Gilmour,
One of His Majesty's Principal Secretaries of State.

(*) *See* S.R. & O. 1932 (No. 514) p. 1675.

THE SUMMARY JURISDICTION APPEALS (COUNSEL AND SOLICITOR) RULES, 1933, DATED DECEMBER 4, 1933, MADE BY THE ATTORNEY-GENERAL, WITH THE APPROVAL OF THE LORD CHANCELLOR AND THE SECRETARY OF STATE FOR THE HOME DEPARTMENT, IN PURSUANCE OF SECTION 2 (7) OF THE SUMMARY JURISDICTION (APPEALS) ACT, 1933 (23 & 24 GEO. 5, c. 38).

1. Every Clerk of the Peace shall keep a list of solicitors who are willing to act for poor appellants and respondents in appeals from Courts of Summary Jurisdiction to Quarter Sessions to which Section 2 of the Summary Jurisdiction (Appeals) Act, 1933, applies, and shall insert in the list so kept the names of all solicitors who are willing so to act. The name of any solicitor shall be removed from the list, either on the application of the solicitor himself or by direction of the Chairman of the Appeal Committee of Quarter Sessions or the Recorder, as the case may be. A copy of the list shall be sent to every Clerk to Justices in the quarter sessions district.

2. Every Clerk of the Peace shall keep a list of the members of the Bar attending the sessions who are willing to appear as counsel for poor appellants and respondents in appeals to which the said Section applies, and shall insert in the list so kept the names of all such members of the Bar who are willing so to appear.

3. Any list required by the preceding Rules to be kept may, if it is convenient so to do, be combined with the corresponding list required to be kept by the Poor Prisoners' (Counsel and Solicitor) Rules, 1931.(*)

4. Every Clerk of the Peace and every Clerk to Justices shall keep a list of all cases in which application is made for an appeal aid certificate and shall record therein (*a*) the name of the appellant or respondent, (*b*) in general terms the subject of the appeal and (*c*) the date and the result of such application; and every Clerk shall send a copy of the list kept by him to the Secretary of State for the Home Department at such times as the Secretary of State may from time to time direct.

5.—(1) Any appeal aid certificate granted by a Court of Summary Jurisdiction in pursuance of Section 2 (2) of the Summary Jurisdiction (Appeals) Act, 1933, shall be in Form D in the Schedule hereto; and the certificate shall as soon as it has been granted be sent by the Clerk to the Justices to the Clerk of the Peace, together with the name of the solicitor assigned.

(2) Any appeal aid certificate granted in pursuance of Section 2 (3) of the said Act by the Court to whom the appeal lies shall be in Form E in the Schedule hereto.

6.—(1) Any Court who grant an appeal aid certificate shall at the same time, after taking into consideration any representations which the applicant may make, assign to him from the list kept under Rule 1 a solicitor to whose services the applicant shall be entitled.

(2) Whenever an appeal aid certificate is granted, a copy of any depositions and notes of evidence shall on application by the solicitor so assigned be furnished to him by the Justices' Clerk or Clerk of the Peace, as the case may be.

7. Except where the appeal aid certificate directs that a solicitor only shall be assigned, any member of the Bar may be instructed on behalf of the person in respect of whom the appeal aid certificate is granted by the solicitor so assigned; but no member of the Bar shall be instructed by the solicitor so assigned unless his name appears upon the list kept under Rule 2.

8. Any reference in these Rules to the Chairman of the Appeal Committee of Quarter Sessions shall in the case of the county of London be construed as a reference to the Chairman of Quarter Sessions for the county of London.

9.—(1) These Rules may be cited as the Summary Jurisdiction Appeals (Counsel and Solicitor) Rules, 1933.

(2) These Rules shall come into operation on the 1st day of January, 1934.

T. W. H. Inskip,
Attorney-General.

Law Officers' Department.
4th December, 1934.

Approved,
Sankey, C.
John Gilmour.

SCHEDULE.

FORM D.—APPEAL AID CERTIFICATE BY JUSTICES.

We, being Justices of the Peace for the Petty Sessional Division of in the County [*or* Borough] of , and being satisfied that the means of A.B.,.. an appellant [*or* a respondent to an appeal] to Quarter Sessions against a decision of the Justices for the said Petty Sessional Division [*or* Borough] of the day of , 19 , are insufficient to enable him to obtain legal aid and that by reason of the nature of the offence of which the appellant was convicted [*or* of the sentence passed upon the appellant] [*or* of exceptional circumstances] it is desirable in the interests of justice that the said A.B. should have free legal aid in the preparation and conduct of his appeal [*or* in resisting the said appeal], do hereby grant in respect of him this appeal aid certificate.

[†*And we direct that a solicitor only shall be assigned to him.*]

Dated this day of , one thousand nine hundred and .

J.P.
J.P.
Justices of the Peace for the County [*or* Borough] of

(*) S.R. & O. 1931 (No. 582) p. 207.

† This direction may be given where the appeal lies to a Court before whom solicitors may be heard.

FORM E.—APPEAL AID CERTIFICATE BY QUARTER SESSIONS.

The Court being satisfied that A.B., an appellant [*or* a respondent to an appeal] to Quarter Sessions against a decision of the Justices for the Petty Sessional Division of in the County [*or* Borough] of of the day of , 19 , has unsuccessfully applied to the Justices for the said Petty Sessional Division [*or* Borough] for an appeal aid certificate, that his means are insufficient to enable him to obtain legal aid and that by reason of the nature of the offence of which the appellant was convicted [*or* of the sentence passed upon the appellant] [*or* of exceptional circumstances] it is desirable in the interests of justice that the said A.B. should have free legal aid in the preparation and conduct of his appeal [*or* in resisting the said appeal], do hereby grant in respect of him this appeal aid certificate.

[†*And it is directed that a solicitor only shall be assigned to him.*]

Dated this day of , one thousand nine hundred and .

C.D.

Chairman [*or* Deputy Chairman] of the Appeal Committee of Quarter Sessions, *or*

Chairman of the Court, *or*

Recorder [*or* Deputy/Assistant Recorder.]

† This direction may be given where the appeal lies to a Court before whom solicitors may be heard.

CHANCERY DIVISION.

ORDERS TO CARRY ON PROCEEDINGS.
ORDER 17, RULES 3 AND 4.

An application to carry on proceedings or to add or substitute parties under the above-mentioned rules shall no longer be made by petition of course, but shall be made *ex parte* to the Master upon affidavit or by summons.

By direction of the Judges of the Chancery Division.

J. H. P. Chitty,
Chief Master.

12th December, 1933.

Societies.

Solicitors' Managing Clerks' Association.

FESTIVAL DINNER.

Mr. FRANCIS TAYLOR, the President, took the chair at the twenty-eighth festival dinner of this Association held at the Wharncliffe Rooms on 7th December. When the loyal toasts had been honoured, Lord HANWORTH, Master of the Rolls, proposed the health of the Association which, he said, had been started in 1892, seven years after he had been called to the Bar. He did not doubt that at that time a great many of his friends had been among those earliest associates. He was glad to see that a large number of those firms were still represented on the council and committee. He spoke feelingly of those managing clerks who gave the young barrister his first chance and who watched him as he toddled off to the county court, came back with faltering steps to the High Court, and gradually grew to boyhood and manhood as they observed him with ever-increasing interest and pride. Some of the firms were of particular personal interest to him; Bell, Brodrick & Gray had given him his second brief, but had briefed his family from the year 1825 onwards. His first brief had come from Torrs & Co., who had been clients of his grandfather from about 1820. The name of Stephenson, Harwood aroused a memory which would never fade, for they had given him his first brief marked twenty guineas. Other firms he recognised were Pritchard, Englefield; Simmons and Simmons; Peake, Bird, Collins & Peake; Collier, Bristow and Field & Roscoe. He always regretted when he saw managing clerks in court that he must feel constrained not to pass any recognition to them but to treat them as Joseph had treated his brethren on their first arrival.

A managing clerk had to do much difficult and responsible work; he had to try to understand not merely Acts of Parliament, but also Orders and Rules of Court. Lord Hanworth recalled one story which illustrated the high character of the solicitors' managing clerk, and which had taught him a lesson which he had never forgotten and never overlooked. A certain clerk had been charged with getting the signatures to an important agreement which involved the amalgamation of two companies. If the agreement went through the shares in both would be likely to rise considerably. His fellow-clerks had taken the opportunity to buy some shares, which had in fact risen from 30s. to £4 10s., but the managing clerk had said, "I thought it over, and I came to the conclusion that I had better not do it. I was being charged for a particular purpose and it did not seem quite right to engage in speculation; it seemed inconsistent with my loyalty and duty to my employers."

It was a very remarkable thing that the Association had developed in such a way that it was now able to hold classes, to give instruction, to organise lectures, and to provide an excellent library for its members. Those who had been engaged in similar work fifty years ago had not had such advantages. The attitude of the managing clerks towards the Bench deserved some recognition. They had seen the judges grow up; they remembered their mistakes, they had known them from their cradles, and such knowledge sometimes sapped authority and influence. A certain relative of his by marriage had been a clergyman in Northamptonshire and had moved to Somerset. On being asked why he had moved, he said that his former living had been near where he had been born and bred. On one occasion he had felt it his duty to admonish an elderly parishioner, and to explain to her that she ought to come to church more often, and that she was not living a life of which he approved. She had listened patiently, and had then looked him up and down and replied, "Master Percy, I have washed you all over."

The burden of his address, concluded Lord Hanworth, was the pleasure it gave him to think of the advance made in co-operation between all branches of the profession, how closely allied they were, and how they had a common purpose, common ideals and a common determination that they would keep the practice and administration of the law at that very high point which had caused it to become the envy of all the nations of Europe.

THE YEAR'S WORK.

The PRESIDENT, in replying, said that the Association, now just over forty-one years old, flourished and made splendid progress. It served the public good, assisted the administration of justice and created an *esprit de corps* which had resulted in lifelong friendships. It held lectures in the great Inns of Court, conducted by its friends at the Bar and presided over in almost every case by a judge. It was deeply indebted to the lecturers, the chairman and the Benchers who had lent their ancient and beautiful halls, as well as to Mr. Hammond, the secretary of lectures. In addition, it organised classes for the benefit of junior clerks not yet sufficiently mature to become members, yet potential managing clerks. Nearly 150 of them had attended regularly each week the course in the Lord Chief Justice's Court on the conduct of an action in the King's Bench Division, and a similar number had entered for the conveyancing course next term on "Sales and Purchases of Land," to be conducted by Mr. Blackburn. The library had been reorganised and was now one of the finest and most efficient libraries in the Temple. Gratitude was due to the two thoroughly conscientious librarians. The official organ, *The Gazette*, was entirely the work of voluntary labour on the part of a few members and of an editor who was a past master of his job. The Association was represented by Mr. Perry on the committee of the Solicitors' Clerks' Pension Fund, a splendid innovation. It had also been represented on the Hanworth Committee. He commended to Lord Hanworth the submission that opportunity should be afforded to the Solicitors' Managing Clerks' Association of considering any proposed new Rules. He had had a very successful year of office, which had only been made possible through the complete devotion of the officers to himself and to the Association. He was delighted to see that the onerous task of treasurer was again being undertaken by Mr. G. B. Elphick for the twenty-fourth year in succession.

Sir THOMAS INSKIP, H.M. Attorney-General, in proposing the toast of "His Majesty's Judges," said that he had had to make a great many speeches, good, bad and indifferent, but mostly indifferent, but he had never before proposed The Judges. He had pondered how he should approach this task and had been inclined to begin by invoking the Muses: if he knew how to invoke the appropriate Muse he would do so. He had once heard Mr. Norman Birkett propose this toast, and thought that if he could only model himself on that authority he might escape with a moderate success. He had been trying to think what Mr. Birkett had said in 1929, but could no more remember that than what Mr. Gladstone had said in 1876. He had then thought he might try to invent a few epigrams, and had thought of one which he hoped nobody would know, but he did not dare to run the risk. It was not his own, and it said: "Doctors' mistakes are buried with them, but judges' mistakes become the law of the land." This was not very respectful, so he had tried to think of something else. He was told that he would have to associate the toast with the names of Mr. Justice Hawke

and Mr. Justice Goddard, but Mr. Justice Goddard was unfortunately not present, and he only knew three good things about Mr. Justice Hawke; the first was his wife, the second was his daughter, and the third was his son.

His Majesty's judges had been very much in the limelight recently—even more than usual. Some people had been trying to pretend that there might be something which would divert them from doing their work impartially. Everyone there would agree that this was all a pretty pretence, and that nothing in heaven or earth could prevent the judges from discharging their duties with unfailing impartiality and rectitude, to the satisfaction of all the King's lieges. They would agree that this was a very impartial statement coming from one to whom, not so long since, Mr. Justice NcNaghten had addressed some very discouraging remarks when he had tried, in the exercise of his duty, to make the word of a Minister override the rights of a judge. The country was very fortunate in having so unassailable a tradition as that associated with the administration of justice by His Majesty's judges. Barristers knew perfectly well that whether they had a good case or a bad case, they would be heard with patience and impartiality to the best of the judge's ability.

Mr. Justice HAWKE, replying to the toast, said it was to his very great regret that he felt he must begin with a complaint. He thought it was very derogatory to his office that the toast should have been proposed by a young beginner; even Mr. Norman Birkett would have been better. The Association was, however, right in assuming that whatever Tom Inskip might say about him and whatever he might feel about what he said, it was quite safe to leave them side by side. It was thirty years or more since they had begun to be friends and he was as certain as anything that they would be friends to the end. He thanked the Attorney-General for the extremely kind things he had said about his family; he did not differ from him. Nevertheless, he felt that a few observations about himself might, perhaps, have been in place, and he could not help thinking that the Association had been wise in introducing into the musical programme between the Attorney-General's speech and his own, a song called "Drinking," in place of that printed on the menu: "I rage, I melt, I burn." He could only say that although he did not propose to sing it, he felt all those emotions. The Attorney-General had tried to drag him into the arena of politics, but he had left that on the 8th of February, 1928, and he trusted that nothing would ever drag him into it again.

He had had a letter from the President saying that he was not to have the support of Mr. Justice Goddard because that judge was not well. Why was he not well? Why could he not stand two dinners on successive nights? He (Mr. Justice Hawke) could, and if necessity should point that way he could bend to a third. He was not, however, going to talk about the difficulties that young judges encountered when they turned from the turmoil and activity of the bar to sit all day in repose. Something always went wrong with them in a few months; something of the sort must have happened to his friend. According to the ordinary legal calendar, they had by now finished the term and had done nearly two weeks' overtime: that overtime had been done on principles of remuneration which were wholly misunderstood by those who usually performed overtime: "More work, less pay." He did not believe that any of the judges resented the position. The King's Bench Division had been gravely in arrears, but with the noble help of their brethren of the Chancery Bench they had managed to do a good deal to get these arrears in better condition.

All present were parts of one great whole: the discharge and administration of justice. Those who had practised and continued to practise at the Bar realised and appreciated the ability with which the solicitors' clerks performed their work, yet this could not always be so; mistakes must be made. It had been said that solicitors' managing clerks had to understand Acts of Parliament. No one could do that. Even if they did attend lectures by Mr. Norman Birkett, ably presided over by himself, they did not necessarily know all the law. A few years ago—no wild horses present or absent would drag details from him—he had had to argue in a particular case that damages were not at large; he had gone down very badly and the damages had been very heavy. It had gone to the Court of Appeal and in his brief, otherwise excellently prepared, he had found the remark "Counsel will of course understand that in a case of this class damages are not at all large." On a second occasion, in a prosecution somewhere east of that place, his instructions had concluded: "Counsel will therefore appear for the prosecution and press for a conviction as per usual." He advised them, if they made a mistake, always to have an excuse and to be sure that it was a good excuse. He related the story of a man who had gone from Manchester to Blackpool to play bowls on a very hot day. The player had therefore "had one" before starting, and had repeated the process at intervals in the hopes of improving the quality of his game, until finally he had had something over the eight. On his return he had appeared unwell, and in reply to his wife's enquiries had said that he had developed a headache which he thought must be due to riding home with his back to the engine. His wife enquired why he had not asked a fellow passenger to change places with him, and he said that he had thought of it, but there had been no one else in the carriage. It was the experience of most people who had lived a long life at the Bar or Bench that the work of members of the Solicitors' Managing Clerks' Association needed no excuses.

Sir REGINALD POOLE, President of The Law Society, proposed the health of "The Ladies." He said he had been puzzled to know why he had been selected when there were others present in whose hands greater justice would have been done to the task. Struggling members of the Chancery Bar, such as Mr. Greene, would have been able to speak of the custody of children, while distinguished members of the Common Law Bar, such as Mr. Hilbery, would have been able to discuss problems of contract between husband and wife. The toast was a difficult one and required delicate handling. Ladies differed; he liked the company of the good, and he profited from the bad. He thought possibly he might have been asked to propose the toast in order that he might speak for members of his own profession to those who had helped them to get where they were, and in that spirit of earnest thanks he proposed the health of those who sometimes managed the managing clerks.

Mr. NORMAN BIRKETT, in reply, observed that it was well known that judges of the common law dealt in words; they might take a lesson from judges of the Chancery Division, who dealt in deeds, not words, or even—best of all—from the Probate Division, where they took the will for the deed. He did not care for Sir Reginald Poole's suggestion that any member of the Chancery Bar knew much about ladies. He understood that in those haunts where they dwelt they thought very much more of the joys of an originating summons. Nevertheless to ordinary members of the Bar there did come certain moments of felicity. The Master of the Rolls had had such a moment as came to few when he had been able to say that a certain firm had briefed him and his family since 1820 or 1825; it was felicitous to look forward and think of one's descendants making such a claim in years to come. He held this particular position for the second year in succession, and he approached his task with a sense of honour, a sense of diffidence and a sense of responsibility; of honour because he had been briefed twice by the same client; of diffidence because he feared lest he should get an undeserved reputation as a ladies' man; and of responsibility because of the importance and delicacy of his task.

Mr. E. G. TINDALL proposed the health of the chairman, saying that he had presided over the council in the same dignified and courteous manner which had characterised him as host that night. For some weeks the offices of the Association must have seen more of him than his own home, and the Association was very proud of him.

THE PRESIDENT, in reply, said he trusted he would be spared for many years to do real service to the Solicitors' Managing Clerks' Association.

Among those present were: Lord Hanworth, Mr. Justice Hawke, Sir Thomas Inskip, K.C., Sir Joseph H. P. Chitty, Sir Reginald W. Poole, Sir J. S. Stewart-Wallace, Mr. Norman Birkett, K.C., Mr. Norman Daynes, K.C., Mr. C. Doughty, K.C., Mr. R. Evershed, K.C., Mr. Wilfred Greene, K.C., Mr. G. Malcolm Hilbery, K.C., Mr. Fergus Morton, K.C., Mr. R. F. Roxburgh, K.C., Mr. Gavin T. Simonds K.C., Mr. W. H. Spens, K.C., Master H. F. Blake, Master W. F. S. Hawkins, Asst. Master Gerald E. Mills, Mr. Registrar Frank Mellor, Mr. R. W. Everard, Mr. N. Middleton, Commander K. B. Millar, R.N., Mr. N. Pearson, Mr. Charles R. R. Romer, Mr. G. Granville Sharpe, Mr. A. O. Thomas.

The Auctioneers' and Estate Agents' Institute.

ANNUAL DINNER.

The annual dinner of the Auctioneers' and Estate Agents' Institute of the United Kingdom was held at the Connaught Rooms on Friday, 8th December, with the President, Col. William Anderson, D.S.O., M.C., D.L., J.P., in the chair.

The loyal toasts having been honoured, Mr. STUART BEVAN, K.C., M.P., proposed the toast of "The Institute." He said that there was a standard of professional conduct which in every profession must be maintained, and that their profession had a body which set a standard which was splendid from every point of view. At no time was confidence in their great profession more wanted and more esteemed than it was to-day. The policy of successive Governments—he was not speaking of the present Government—seemed to be to interfere with the

rights of property, and when it came to the appropriation of property, whether by town or country planning schemes or anything else, the only people who could stand between the Crown or a Ministry and the subject were the members of the profession represented by the Institute.

The PRESIDENT, responding, said that during the last two years, culminating in a conference a month ago and in a meeting that afternoon, they had been deciding whether the Institute and other professional bodies should set up a code of conduct. He had just been informed of the result, which was that the code of conduct was established in the Auctioneers' Institute that night. The President then spoke about the work of the Institute during the past twelve months, which, in his opinion, had been the most important year for agriculture since the war. He also announced that the council had decided that a portrait of the secretary of the Institute, Mr. E. H. Blake, should be painted and hung in the Institute headquarters.

The toast of "Our Guests" was proposed by Mr. CHAS. OSENTON (Past-President), who said that that occasion gave them an opportunity to welcome their friends, and that they took a keen pleasure in entertaining them and having their company for the evening.

Sir FRANCIS FLOUD, K.C.B. (Secretary, Ministry of Labour), replying, said that in the various offices he had held since the days before the war, when he was at the Ministry of Agriculture, he had always had contact with the Institute. Speaking as an ordinary member of the public, he said that they were greatly indebted to the long line of distinguished Presidents of the Institute and to their admirable secretary, Mr. Blake, for organising the profession so that the public might have confidence in their advice and might rely on them for assistance in emergencies.

Lieut.-Colonel Sir W. E. G. ARCHIBALD WEIGALL, K.C.M.G., who also replied, said that he was in the happy position of being an Honorary Member of the Institute and also a guest. He felt that they had done the right thing in establishing a code of conduct, and, as Vice-President of the Land Agents' Society, he hoped that that Society would follow their good example. He stressed the importance of the re-organisation of agricultural markets, and said that he felt sure that the Institute wuold fulfil its great obligations in the campaign which was now being carried on by the National Government.

Among those present were The Rt. Hon. The Earl of Mayo, Sir Charles Howell Thomas, K.C.B., Sir Roy L. Robinson, O.B.E., Sir Harry Courthope Munroe, K.C., Sir Harriss Firth, His Honour Judge Konstam, K.C., Mr. P. F. Tuckett, Mr. H. Mordaunt Rogers, Mr. C. Roland Field, Mr. Chas. Allix, Mr. Alfred J. Burrows, Mr. Ralph H. Brady, M.B.E., Mr. F. G. Hughes, Mr. E. Cassleton Elliott, Mr. B. J. Gates, Mr. Arthur W. Brackett, J.P., Mr. Arthur C. Driver, Mr. H. V. Ashley, Councillor A. A. Mussett, J.P., Mr. Wm. Easter, Mr. Hugh C. Webster, Mr. J. Geo. Head, J.P., Capt. W. T. Creswell, K.C., Mr. Norman L. Ball, Mr. Francis H. Rex, Mr. B. W. Adkin, Mr. J. Edward Kitchen, Mr. James S. Motion, Mr. J. Seagram Richardson, Mr. J. H. Townsend Green, Capt. E. Brougham Glasier, T.D., Mr. Edward W. Eason, Mr. W. Stanley Edgson, Mr. H. H. Robinson, Major R. M. Woolley, Mr. E. H. Blake, C.B.E. (Secretary), Mr. F. M. Sydenham (Assistant Secretary) and Mr. P. W. Ford (Librarian).

The Law Society.

SPECIAL GENERAL MEETING.

A special general meeting of the members of The Law Society will be held in the Hall of the Society on Friday, the 26th January, 1934, at 2 p.m.

SCHOOL OF LAW.

The Council have appointed the following as tutors :—

Mr. J. H. A. Lang, LL.B. (solicitor).

Mr. A. G. N. Cross, M.A. (of the Middle Temple, Barrister-at-Law).

Mr. D. W. Dobson, M.A., LL.B. (solicitor).

Mr. H. G. Willmer, B.A. (of the Inner Temple, Barrister-at-Law).

The Law Association.

The usual monthly meeting of the Directors was held at The Law Society's Hall on Thursday, the 7th December, Mr. Douglas T. Garrett in the chair. The other Directors present were : Mr. E. B. V. Christian, Mr. Guy H. Cholmeley, Mr. H. Ross Giles, Mr. G. D. Hugh-Jones, Mr. C. F. Pridham, Mr. Frank S. Pritchard, Mr. Wm. Winterbotham, Mr. W. M. Woodhouse, and the Secretary, Mr. E. E. Barron. A sum of £152 10s. was voted in relief of the widows of London solicitors, one of whom was aged ninety-two, another eighty-five and another eighty. The Secretary reported a number of generous gifts towards the Christmas fund for the old people, and the Board made provision so that a small sum should be sent to all the aged pensioners shortly before Christmas in addition to their usual pensions, and other business was duly transacted.

An urgent appeal for funds is made by the Law Association to enable them to continue their benevolent work, and those of our readers who feel charitably disposed at this season of the year are earnestly requested to do what they can to help. Never since the Association was formed in 1817 has it been necessary for them to appeal so urgently for assistance, and it is hoped that the response will be a substantial one. Donations (large or small, but the larger the better !) should be sent to the Secretary, Mr. E. Evelyn Barron, 3, Gray's Inn-place, Gray's Inn, W.C.1.

United Law Society.

The annual dinner of the United Law Society was held at the Monico Restaurant on 11th December. The Right Hon. Lord Tomlin was in the chair and the other guests of the society were The Hon. Mr. Justice Luxmoore, The Right Hon. Earl Howe, C.B.E., Lord Horder, Mr. D. N. Pritt, K.C., Mr. Rowland Burrows, K.C., and Sir Reginald Poole, President of The Law Society.

Legal Notes and News.

Honours and Appointments.

The University of Pécs (Hungary), with the consent of the Hungarian Minister of Education and the sanction of the Regent of Hungary (Admiral Horthy), has conferred the Degree of Doctor of Political Science (D.Sc.) *honoris causa* upon Mr. F. LLEWELLYN-JONES, M.P., in recognition of his services to the advancement of International and Comparative Law and of his advocacy of Treaty Revision and of the claims of the National Minority Groups in Central Europe to protection. Mr. Llewellyn-Jones, who is Coroner for the County of Kent, was admitted a solicitor in 1891.

Mr. ALEXANDER PICKARD, solicitor, Deputy Town Clerk of Hull, has been selected for appointment as Town Clerk in succession to Mr. J. R. Howard Roberts, who has been appointed solicitor to the London County Council. Mr. Pickard was admitted a solicitor in 1924.

Mr. ARTHUR C. FOX, solicitor, Deputy Town Clerk of Middlesbrough, has been appointed Town Clerk of Barnes. Mr. Fox was admitted a solicitor in 1921.

Mr. E. LL. HORSFALL TURNER, Assistant Solicitor to Leicester Corporation, has been appointed Town Clerk of Aberystwyth, in succession to Mr. T. J. Samuel, who is retiring. Mr. Turner was admitted a solicitor in 1930.

Mr. P. W. JAMES, Assistant Solicitor to the Shoreditch Borough Council. has been promoted to the position of Deputy Town Clerk. Mr. James was admitted a solicitor in 1907.

Mr. JOHN WILLIAM THORPE, solicitor, of Doncaster, has been appointed Clerk to Doncaster Magistrates in succession to Mr. William R. Lewis, who has been appointed Clerk to Bath Justices. Mr. Thorpe was admitted a solicitor in 1908.

Mr. T. C. HAYWARD, B.A., Senior Assistant Solicitor to the East Sussex County Council, who was recently appointed Deputy Clerk of the Peace and of the County Council for Warwickshire, has now been appointed Deputy Clerk of the County Council for Staffordshire. Mr. J. A. TURNER, B.A., Deputy Clerk of the Peace and of the County Council for Oxfordshire, has been chosen to fill the vacancy with the Warwickshire County Council. Mr. Hayward and Mr. Turner were both admitted solicitors in 1929.

MR. EDMUND CAVE.

Our readers will be interested to hear that Mr. Edmund Cave, who recently retired from the position of Taxing Master of the Supreme Court, is not to be entirely lost to the legal profession, and proposes to take up arbitration work. He is prepared to act as arbitrator on behalf of practising solicitors, the London Court of Arbitration, or any body on the rota of which his name may appear as arbitrator or referee. One cannot help admiring Mr. Cave for his refusal to give up work and we wish him every success in his new profession.

Professional Announcements.

(2s. per line.)

THE SOLICITORS' MORTGAGE SOCIETY, LTD. (formed by Solicitors for Solicitors), invites particulars of FUNDS, or SECURITIES. Apply, The Secretary, 20, Buckingham-street, Strand, W.C.2. Telephone No. Temple Bar 1777.

SOLICITOR TO ELECTRICITY COMMISSION.

Mr. E. W. Hudson, solicitor to the Electricity Commission since shortly after its inception in 1919, will sever his connection with Savoy Court as from 1st January. He has found his combined work, on behalf of the Commission and the Ministry of Transport, too exacting, and he intends to resume private practice.

LOCAL GOVERNMENT AND PUBLIC HEALTH CONSOLIDATION COMMITTEE.

The Minister of Health has made the following appointments to this Committee :—

The Rt. Hon. LORD ADDINGTON, O.B.E., to be Chairman of the Committee in place of the late Lord Chelmsford.

Mr. JOSHUA SCHOLEFIELD, K.C., to be a member of the Committee.

Mr. G. R. HILL, Parliamentary Counsel, to be a member of the Committee in place of Sir William Graham-Harrison, K.C.B., K.C., and Mr. L. A. J. Granville Ram, C.B., resigned.

Mr. C. L. DES FORGES, Town Clerk of Rotherham, to be a member of the Committee.

TOWN CLERK OF GREENWICH.

The Town Clerk of Greenwich, after forty-seven years' municipal service, will retire during 1934. Mr. F. J. Simpson is now the only Town Clerk who formerly held the office of Vestry Clerk in the Metropolis prior to the formation of the borough council.

ELDON LAW SCHOLARSHIP.

Mr. John Humphrey Carlile Morris, B.A., B.C.L., Lord Justice Holker Scholar of Gray's Inn, of Christ Church, Oxford, has been elected Eldon Scholar.

Court Papers.

Supreme Court of Judicature.

ROTA OF REGISTRARS IN ATTENDANCE ON GROUP I.

DATE.	EMERGENCY ROTA.	APPEAL COURT No. 1.	MR. JUSTICE EVE. Witness. Part II.	MR. JUSTICE MAUGHAM. Witness. Part I.
	Mr.	Mr.	Mr.	Mr.
Dec. 18	Hicks Beach	Ritchie	*Hicks Beach	*Blaker
,, 19	Andrews	Blaker	Blaker	*Jones
,, 20	Jones	More	*Jones	*Hicks Beach
,, 21	Ritchie	Hicks Beach	Hicks Beach	Blaker
,, 22	Blaker	Andrews	Blaker	Jones
,, 23	More	Jones	Jones	Hicks Beach

	GROUP I.		GROUP II.	
DATE.	MR. JUSTICE BENNETT. Non-Witness.	MR. JUSTICE CLAUSON. Witness. Part I.	MR. JUSTICE LUXMOORE. Non-Witness.	MR. JUSTICE FARWELL. Witness. Part II.
	Mr.	Mr.	Mr.	Mr.
Dec. 18	Jones	*Andrews	More	Ritchie
,, 19	Hicks Beach	*More	Ritchie	*Andrews
,, 20	Blaker	*Ritchie	Andrews	More
,, 21	Jones	*Andrews	More	*Ritchie
,, 22	Hicks Beach	More	Ritchie	Andrews
,, 23	Blaker	Ritchie	Andrews	More

* The Registrar will be in Chambers on these days, and also on the days when the Court is not sitting.

The Christmas Vacation will commence on Monday the 25th day of December, 1933, and terminate on Saturday, the 6th day of January, 1934, inclusive.

A UNIVERSAL APPEAL

TO LAWYERS: FOR A POSTCARD OR A GUINEA FOR A MODEL FORM OF BEQUEST TO THE HOSPITAL FOR EPILEPSY AND PARALYSIS, MAIDA VALE, W.9.

Stock Exchange Prices of certain Trustee Securities.

Bank Rate (30th June, 1932) 2%. Next London Stock Exchange Settlement, Thursday, 21st December, 1933.

	Div. Months.	Middle Price 13 Dec. 1933.	Flat Interest Yield. £ s. d.	†Approximate Yield with redemption £ s. d.
ENGLISH GOVERNMENT SECURITIES				
Consols 4% 1957 or after	FA	109¾	3 12 11	3 7 8
Consols 2½%	JAJO	73⅞xd	3 7 8	—
War Loan 3½% 1952 or after ..	JD	100½	3 9 8	3 9 3
Funding 4% Loan 1960-90	MN	110¾	3 12 3	3 7 6
Victory 4% Loan Av. life 29 years	MS	109¾	3 12 11	3 9 3
Conversion 5% Loan 1944-64 ..	MN	116½	4 5 10	3 1 1
Conversion 4½% Loan 1940-44 ..	JJ	108⅜	4 3 0	3 1 1
Conversion 3½% Loan 1961 or after ..	AO	101	3 9 4	3 8 9
Conversion 3% Loan 1948-53 ..	MS	98⅜	3 1 0	3 2 4
Conversion 2½% Loan 1944-49 ..	AO	92½	2 14 1	3 2 9
Local Loans 3% Stock 1912 or after ..	JAJO	87xd	3 9 0	—
Bank Stock	AO	347½	3 9 1	—
Guaranteed 2¾% Stock (Irish Land Act) 1933 or after	JJ	77xd	3 11 5	—
India 4½% 1950-55	MN	107¾	4 3 6	3 16 11
India 3½% 1931 or after	JAJO	84½xd	4 2 10	—
India 3% 1948 or after	JAJO	72xd	4 3 4	—
Sudan 4½% 1939-73	FA	111	4 1 1	2 3 2
Sudan 4% 1974 Red. in part after 1950	MN	108	3 14 1	3 7 6
Transvaal Government 3% Guaranteed 1923-53 Average life 11 years	MN	101	2 19 5	—
COLONIAL SECURITIES				
*Australia (Commonw'th) 5% 1945-75	JJ	108xd	4 12 7	4 2 9
*Canada 3½% 1930-50	JJ	98½xd	3 11 1	3 12 4
*Cape of Good Hope 3½% 1929-49 ..	JJ	100xd	3 10 0	3 10 0
Natal 3% 1929-49	JJ	95xd	3 3 2	3 8 8
New South Wales 3½% 1930-50 ..	JJ	96xd	3 12 11	3 16 5
*New South Wales 5% 1945-65 ..	JD	108	4 12 7	4 2 9
*New Zealand 4½% 1948-58	MS	107	4 4 1	3 16 9
*New Zealand 5% 1946	JJ	109xd	4 11 9	4 0 9
*Queensland 4% 1940-50	AO	101	3 19 2	3 16 8
*South Africa 5% 1945-75	JJ	112xd	4 9 3	3 14 9
*South Australia 5% 1945-75 ..	JJ	108	4 12 7	4 2 9
*Tasmania 3½% 1920-40	JJ	99xd	3 10 8	3 13 9
Victoria 3½% 1929-49	AO	97	3 12 2	3 15 0
*W. Australia 4% 1942-62	JJ	100xd	4 0 0	4 0 0
CORPORATION STOCKS				
Birmingham 3% 1947 or after ..	JJ	85xd	3 10 7	—
*Birmingham 4½% 1948-68	AO	112	4 0 4	3 9 3
*Cardiff 5% 1945-65	MS	111	4 10 1	3 16 9
Croydon 3% 1940-60	AO	94	3 3 10	3 7 1
*Hastings 5% 1947-67	AO	114	4 7 9	3 12 7
Hull 3½% 1925-55	FA	99	3 10 8	3 11 4
Liverpool 3½% Redeemable by agreement with holders or by purchase ..	JAJO	99xd	3 10 8	—
London County 2½% Consolidated Stock after 1920 at option of Corp.	MJSD	73	3 8 6	—
London County 3% Consolidated Stock after 1920 at option of Corp.	MJSD	86	3 9 9	—
Manchester 3% 1941 or after ..	FA	86	3 9 9	—
Metropolitan Consd. 2½% 1920-49 ..	MJSD	92	2 14 4	3 2 11
Metropolitan Water Board 3% "A" 1963-2003	AO	88	3 8 2	3 9 2
Do. do. 3% "B" 1934-2003 ..	MS	89	3 7 5	3 8 4
Do. do. 3% "E" 1953-73 ..	JJ	96	3 2 6	3 3 7
*Middlesex C.C. 3½% 1927-47 ..	FA	102	3 8 8	—
Do. do. 4½% 1950-70	MN	113	3 19 8	3 9 5
Nottingham 3% Irredeemable ..	MN	86	3 9 9	—
*Stockton 5% 1946-66	JJ	112	4 9 3	3 16 2
ENGLISH RAILWAY PRIOR CHARGES				
Gt. Western Rly. 4% Debenture ..	JJ	106½	3 15 1	—
Gt. Western Rly. 5% Rent Charge ..	FA	122½	4 1 8	—
Gt. Western Rly. 5% Preference ..	MA	108	4 12 7	—
‡L. & N.E. Rly. 4% Debenture ..	JJ	101½	3 18 10	—
‡L. & N.E. Rly. 4% 1st Guaranteed	FA	92	4 6 11	—
‡L. Mid. & Scot. Rly. 4% Debenture	JJ	102	3 18 5	—
‡L. Mid. & Scot. Rly. 4% Guaranteed	MA	95½	4 3 9	—
Southern Rly. 4% Debenture ..	JJ	106	3 15 6	—
Southern Rly. 5% Guaranteed ..	MA	118½	4 4 5	—
Southern Rly. 5% Preference ..	MA	106	4 14 4	—

* Not available to Trustees over par.

† In the case of Stocks at a premium, the yield with redemption has been calculated as at the earliest date; in the case of other Stocks, as at the latest date.

‡ These Stocks are no longer available for trustees, either as strict Trustee or Chancery Stocks, no dividend having been paid on the Companies' Ordinary Stocks for the past year.

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